



Cedar City

10 North Main Street • Cedar City, UT 84720
435-586-2950 • FAX 435-586-4362
www.cedarcity.org

Mayor

Maile L. Wilson

Council Members

Ronald R. Adams
Paul Cozzens
Terri W. Hartley
Craig E. Isom
Fred C Rowley

City Manager

Paul Bittmenn

CITY COUNCIL WORK MEETING**OCTOBER 5, 2016****5:30 P.M.**

The City Council meeting will be held in the Council Chambers at the City Office, 10 North Main Street, Cedar City, Utah. The agenda will consist of the following items:

- I. Call to Order
- II. Agenda Order Approval
- III. Administration Agenda
 - Mayor and Council Business
 - Staff Comment
 - Update on Cemetery Building
- IV. Public Agenda
 - Public Comments

Business Agenda**Public**

1. Public Hearing to consider a zone change from Downtown Commercial to Mixed Use Development on property located in the vicinity of 59 West Center Street. Cedar City Winery, LLC/Kit Wareham
2. Review revised vicinity plan for Crescent Hills Subdivision Phase 1. Kit Wareham/Go Civil Engineering
3. Consider final plat approval for Mountain Vista Phase 1 PUD. Tyler Romeril/Carter Enterprises
4. Consider an ordinance amending Cedar City Ordinance Chapter 23-9(P) related to retail tobacco specialty businesses. Paul Bittmenn
5. Executech update

Staff


6. Public Hearing to consider modifications to the City's sign ordinance. Paul Bittmenn
7. Discuss continuation of 15% reduction in impact fees. Paul Bittmenn

Dated this 3rd day of October, 2016.

Renon Savage, MMC
City Recorder

CERTIFICATE OF DELIVERY:

The undersigned duly appointed and acting recorder for the municipality of Cedar City, Utah, hereby certifies that a copy of the foregoing Notice of Agenda was delivered to the Daily News, and each member of the governing body this 3rd day of October, 2016.


Renon Savage, MMC
City Recorder

Cedar City Corporation does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in accessing, understanding or participating in the meeting, please notify the City not later than the day before the meeting and we will try to provide whatever assistance may be required.

CEDAR CITY ORDINANCE NO. _____

AN ORDINANCE OF THE CEDAR CITY COUNCIL AMENDING CEDAR CITY'S ZONING DESIGNATION FROM DOWNTOWN COMMERCIAL (DC) TO MIXED USE (MU), FOR GUIDANCE LLC PROPERTY LOCATED AT 59 WEST CENTER STREET.

WHEREAS, the owners of property located in the vicinity of 59 West Center Street have petitioned Cedar City to change current zoning designation from Downtown Commercial (DC) to Mixed Use (MU), the property is more particularly described as follows:

BEG 160 FT E OF NW COR LOT 10, BLK 25, PLAT B, CEDAR CITY TOWN SURVEY; S ALG CNTR OF PARTY WALL 80 FT M/L TO PT 20 FT M/L TO PT 8 FT W OF E LN OF SD LOT 10; N 80 FT M/L TO A PT 8 FT W OF NE COR SD LOT 10; W 30 FT M/L TO POB.

WHEREAS, after providing public notice as required by City ordinance the Cedar City Planning Commission considered the proposed zoning amendments and found that the amendments are reasonably necessary, in the best interest of the public, and in harmony with the objectives and purposes of Cedar City's zoning ordinance. The Planning Commission has given the proposed zone changes a positive recommendation; and

WHEREAS, the City Council after duly publishing and holding a public hearing to consider the proposed zoning amendments finds the proposed amendments further the City's policy of establishing and maintaining sound, stable, and desirable development within the City, promoting more fully the objectives and purposes of the City's zoning ordinance, or correcting manifest errors.

NOW THEREFORE BE IT ORDAINED by the City Council of Cedar City, State of Utah, that the City's zoning designation is amended from Downtown Commercial (DC) to Mixed Use (MU) for the property located at 59 West Center Street, and more particularly described herein, and City staff is hereby directed to make the necessary changes to the City's zoning map.

This ordinance, Cedar City Ordinance No. _____, shall become effective immediately upon passage by the City Council and published in accordance with State Law.

Dated this _____ day of September, 2016.

MAILE L. WILSON

MAYOR

[SEAL]

ATTEST:

RENON SAVAGE, RECORDER

**3- Zone Change DC to MU 95 W Center St.
(Recommendation)**

Cedar City Winery

Tony Dinges of the winery presented; he said it is actually 59 West Center in the old recycle consignment shop on Center Street. He is the current winery manager. They have outgrown the place they are in now on 200 West and are looking to move. This space is zoned DC now, and they are looking to change that to MU which falls in line with the City Master plan and allows wineries. There is about 1800 square feet of retail area out front. They are registered with the state as a Type 5 package which lets them sell wine. The back portion is also about 1800 square feet which would be the barrel storage and they do bottle wine about two times per years. They have outgrown the space that they are in of only about 1400 square feet total. The amount of production and other things from the State have pushed them to move.

Hunter said that Steve Nelson, who is the owner of this building is a family member so he will abstain from voting on this item.

Paul said the winery will have to do everything according to the DABC and get all approvals that they need from the State. The City is mostly driven by the DABC in these items. This is a permitted use in the MU zone and as far as the zoning is concerned, that would work. Their business licensing will all need to satisfy the DABC.

Drew said that the parking is quite tight in this area of town. Steve has done some preliminary work on how many parking stalls are needed. He talked about taking a fence down between parking areas with the hotel and also along the alley and they will all be able to share the parking as he owns all the property. There should now be plenty for all.

Craig said the Downtown Commercial would not allow a winery but the MU will. Paul pointed out that was the wonderful part about zoning, it was up to the City to designate what would be allowed where.

Jennie made a motion to give a positive recommendation to City Council for this zone change on Center Street to MU. Mary seconded the motion and the vote passed with Hunter abstaining.

**CEDAR CITY
COUNCIL AGENDA ITEM 2
STAFF INFORMATION SHEET**

TO: Mayor and Council

FROM: Kit Wareham

DATE: October 5, 2016

SUBJECT: Consider Revised Vicinity Plan for the **Crescent Hill Phase 1**
Subdivision

Discussion: The subject revised subdivision vicinity plan has been recommended for approval by the Cedar City Planning Commission. A copy of the Planning Commission's minutes is attached. Also attached is a copy of the subdivision's vicinity plan. As required in the City's subdivision ordinance once the Planning Commission recommends a subdivision vicinity plan for approval, the plan shall then be presented to City Council for your review and approval, or approval subject to alterations, or disapproval. The following is some general information concerning the subject subdivision:

Developer- **Mike Coranado**

Subd. General Location- **300 North Cross Hollow Road**

Area Land Use Zone- **R2-1 and R2-2**

Number of Lots- **60 total- 55 lots R-2 single, 5 Lots R-2 Twin Home**

Lot Size Range- **7,000 Square Feet to 9,000 Square Feet**

Misc. Information- **This vicinity plan is being revised to make the 5-9,000 square foot lots on the north side of the subdivision in twin home lots that can be sold separately instead of rental duplexes.**

CEDAR CITY PLANNING COMMISSION
MINUTES

September 20, 2016

The Cedar City Planning Commission held a Meeting on Tuesday, September 20, 2016 at 5:15 p.m., in the Cedar City Council Chambers, 10 North Main, Cedar City, Utah.

Members in attendance: Rich Gillette-Chair, Craig Isom, Jennie Hendricks, Jill Peterson, Mary Pearson, Hunter Shaheen and Ray Gardner

Members absent: none

Staff in attendance: Kit Wareham, Tyler Romeril and Michal Adams

Others in attendance: Bob Platt, Arlo Fawson

The meeting was called to order at 5:15 p.m.

<u>ITEM/</u>	<u>LOCATION/PROJECT</u>	<u>APPLICANT/</u>
<u>REQUESTED MOTION</u>		<u>PRESENTER</u>

I. Regular Items

**1- Approval of Minutes September 6, 2016
(Approval)**

Jill moved to approve the minutes of September 6, 2016, seconded by Mary and the vote was unanimous.

2- Minor Lot Subd. (Approval)	747 N. 935 W.	Bulloch/Platt & Platt
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Bob Platt presented and said that the two Bulloch brothers, Clay and Dean have owned this parcel for a long time. They would now like to divide it into two parcels. They have put a water and sewer lateral on the parcel to the south so now both pieces have separate utilities. It has been reviewed by the Engineering department and the deeds are signed and everything is ready to go.

Rich asked Kit if there were any other items. Kit said it is in the industrial zone so there are no minimum requirements according to ordinance.

Mary made a motion to approve the minor lot for Clay Bulloch, seconded by Jennie and the vote was unanimous.

3- Subd.- Vicinity (Recommendation)	300 N Cross Hollow Rd Crescent Hills Phase 1	Coronado/GO Civil
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Arlo Fawson presented and said they have seen this before. The first vicinity map showed the lots that back up to GenPak as just R-2 lots but they would now like to split those so they can build twinhomes there. They now plan to have separate sewer and water on each half of each lot. The only difference this will make is they can now sell those two halves of each lot separately.

Kit said there are no problems. The next step will be to review all the construction drawings then they will be ready for final plat. Jennie wondered if they needed to notify all of this change. Kit said no, as the first one was not platted.

Jennie moved to give a positive recommendation for this Vicinity plat, seconded by Craig and the vote was unanimous.

The meeting adjourned at 5:20 p.m.

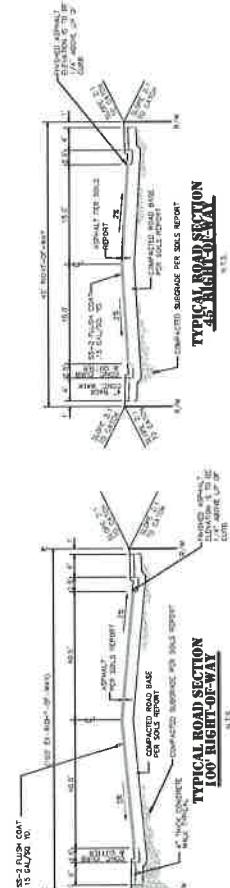
Michal Adams, Administrative Assistant

**FOR
CRESCENT HILLS SUBDIVISION PHASE I
LOCATED IN THE SW 1/4 SECTION 9, T36S, R11W, SLM, CEDAR CITY, UTAH**

SOIL AREA(S)

NOTES

- A 8 FOOT TALL MASONRY WALL TO BE PLACED ALONG CROSS HOLLOW ROAD

[illegible]

NOTE:
BACK OF SIDEWALK TO BE
CUT OFF TO TOP OF CURBLINE
TO TOP OF CURBLINE

Case #	Year	State	County	City	Case #	Year	State	County	City
1	2001	CA	San Diego	San Diego	1	2001	CA	San Diego	San Diego
2	2002	CA	San Diego	San Diego	2	2002	CA	San Diego	San Diego
3	2003	CA	San Diego	San Diego	3	2003	CA	San Diego	San Diego
4	2004	CA	San Diego	San Diego	4	2004	CA	San Diego	San Diego
5	2005	CA	San Diego	San Diego	5	2005	CA	San Diego	San Diego
6	2006	CA	San Diego	San Diego	6	2006	CA	San Diego	San Diego
7	2007	CA	San Diego	San Diego	7	2007	CA	San Diego	San Diego
8	2008	CA	San Diego	San Diego	8	2008	CA	San Diego	San Diego
9	2009	CA	San Diego	San Diego	9	2009	CA	San Diego	San Diego
10	2010	CA	San Diego	San Diego	10	2010	CA	San Diego	San Diego
11	2011	CA	San Diego	San Diego	11	2011	CA	San Diego	San Diego
12	2012	CA	San Diego	San Diego	12	2012	CA	San Diego	San Diego
13	2013	CA	San Diego	San Diego	13	2013	CA	San Diego	San Diego
14	2014	CA	San Diego	San Diego	14	2014	CA	San Diego	San Diego
15	2015	CA	San Diego	San Diego	15	2015	CA	San Diego	San Diego
16	2016	CA	San Diego	San Diego	16	2016	CA	San Diego	San Diego
17	2017	CA	San Diego	San Diego	17	2017	CA	San Diego	San Diego
18	2018	CA	San Diego	San Diego	18	2018	CA	San Diego	San Diego
19	2019	CA	San Diego	San Diego	19	2019	CA	San Diego	San Diego
20	2020	CA	San Diego	San Diego	20	2020	CA	San Diego	San Diego

NOTICE

EXPOSURE UNMADE FOR THE
CONFIDENCE OF THE
CONTRACTOR ONLY. THE
CONTRACTOR SHALL BE
RESPONSIBLE FOR THE
UTILITIES. THE EXPOSED
UTILITIES ARE NOT
PERMITTED TO BE
REMOVED OR
REMOVED.

CEDAR CITY COUNCIL
AGENDA ITEMS - 3
DECISION PAPER

TO: Mayor and City Council

FROM: City Manager

DATE: October 3, 2016

SUBJECT: Mt. Vista Planned Unit Development, Phase 1

DISCUSSION:

This is a planned unit development located in the vicinity of 820 South and 50 West. The vicinity plan came through the Planning Commission in July and the City Council on July 19th and was approved by the City Council on July 27th. A copy of the Planning Commission and Council minutes related to the vicinity plan are attached.

After the vicinity plan was approved the developer submitted a preliminary plan which was reviewed by our engineers. Once the preliminary plan was revised in a manner that brought it into compliance with the City's adopted ordinances and engineering standards the preliminary plan was approved by engineering.

The final plat is here for your consideration. The developer has paid all assessed fees, posted either a letter of credit or cash bond and entered into a bond agreement. The developer has also submitted a title report reflecting ownership of the property in the developer's name. All of these items were reviewed by the City's legal department and approved prior to this item moving to the City Council.

Attached is a copy of the vicinity map as well as the planning commission and council vicinity plan minutes.

Please consider approval of the final plat for Mountain Vista PUD, phase 1.

3- PUD- Vicinity Mountain Vista Phase 1 Carter Ent./ Platt & Platt (Recommendation) 820 S at 50 W

Bob Plat presented and said 3 months ago this came to the Planning Commission as a regular subdivision. Kit basically said the City was not willing to accept this as a City street so they are now doing this as a PUD where all interior infrastructure would be privately owned. He pointed out what would be phase 1 on the map. The idea is to build 8-plexes on the upper two lots. The others would have twin homes. They have a very extensive soils report and the only City improvements will be along 820 South. Kit said there are other requirements as they go along like the need to have a block wall fence around on the east line. Part of the PUD will have to have 20' setbacks in the rear in order to have 100' from the street on both sides. Kit said all utilities can be private within this PUD. They will have a main water vault on 820 South so the City can read the water meter. Bob said it looked like some people who live in trailside were here as everyone within 300' of this project were sent notice of this meeting. There was a sign also placed on the property of this future development. Jennie thought there were some major concerns the last time they looked at developing this area. Kit said the City staff did not want to have City streets developed in the area but as long as they do this as a PUD and all inside the development is privately owned, the City has no problem.

Jennie moved to give a positive recommendation to City Council for this PUD; seconded by Ray and the vote was unanimous.

Planning Commission Minutes
July 5, 2016
Page 2 of 3

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED JULY 6 & 13. : (2) APPROV Y 25.201 (3) APPROVE THE VICINITY PLAN FOR THE MOUNTAIN VISTA PHASE 1 PLANNED UNIT DEVELOPMENT (PUD). CARTER ENTERPRISES/KIT WAREHAMI (4) APPROVE CONTRACT & NOTICE TO PROCEED BETWEEN CEDAR CITY & NICHOLS BUILDING. LLC. FOR AIRPORT IMPROVEMENT PROJECT (AIP- 31). JEREMY VALGARDSONT (\$ APPROVE THE BID FROM SCHMIDT CONSTRUCTION IN THE AMOUNT OF \$377,621.90 FOR THE MAIN STI MONTEREY DRIVE TO 800 SOUTH LIGHT REPLACEMENT PROJECT. KIT WAREHAM: (O APPROVE THE BIDS FOR THE 2017 MATERIALS TESTING BLANKET CONTRACT. KIT WAREHAM: Councilmember Rowley moved to approve the consent agenda items 1 through 6 as written above; second by Councilmember Cozzens; vote unanimous. (See Exhibit "A" for the bids on #6)

City Council Action Meeting Minutes from July 27, 2016

COUNCIL WORK MINUTES
JULY 20, 2016

The City Council held a meeting on Wednesday, July 20, 2016, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; Terri Hartley; Craig Isom.

EXCUSED: Councilmember Paul Cozzens; Councilmember Fred Rowley

STAFF PRESENT: City Manager Paul Bittmenn; City Engineer Kit Wareham; Assistant City Attorney Randall McUne; Executive Assistant Barbara Barrick; Finance Director Jason Norris; Police Chief Darin Adams; Airport Manager Jeremy Valgardson; Fire Marshal Mike Shurtz; Leisure Services/Events Director Bryan Dangerfield.

OTHERS PRESENT: Doug Hall, JP Melchior, Corey Baumgartner, Tom Jett, Brad Green, West Harris, Ryan Robinson, Jessica Robinson, Bob Platt.

CALL TO ORDER: JP Melchoir gave the invocation; the pledge of allegiance was led by West Harris.

AGENDA ORDER APPROVAL: Councilmember Isom moved to approve the agenda order; second by Councilmember Adams; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■ Ron – The clock on the Heritage Center facing west no longer works. There is also one on Main Street by Bulloch Drug that isn't working. I had a report that some foreign tourists appeared to be confused by this. Mayor – The clock on Main Street is privately owned. As far as the Heritage Center, I'm not sure. We'll look into it. ■ Craig – We lost a giant of a citizen when losing Jerry Sherratt. He was full of energy and ideas to the very end. We'll miss him. The last time I saw him he had an idea and wanted to light up one of our red hills. He promoted Cedar City to the very end. He was a great guy. ■ Mayor – The Tour of Utah is August 1st. ■ Craig – Are we in a parade on Monday? Mayor – I'm in the parade on Monday, but I don't know about anyone else. If you haven't heard you're probably free.

PUBLIC COMMENTS: ■ (There were no public comments).

CONSIDER APPROVAL OF THE VICINITY PLAN FOR THE MOUNTAIN VISTA PHASE I PLANNED UNIT DEVELOPMENT (PUD). CARTER ENTERPRISES/KIT WAREHAM: Bob Platt – The phase one of this property is shown on the screen. Carter has built apartments across the street. They want to build on two large parcels. The soil is not good so the City wants it to be a PUD. The other six parcels in phase 1 are proposed for twin homes and will be done according to soils recommendations. The only City improvements would be on the south side of 820 South.

Terri – If we approve a PUD, what is our liability if the soil is collapsible? Paul – We can't restrict people from using their property, so we acknowledge that there are soil restrictions up there and require that they work with soils engineers. Terri – I just see the end-user and they're asking why the City lets them build there. Paul – There is some public notification out there. The plat map will disclose soils conditions and the existence of soils reports. Most buyers may not understand this. Another method of public disclosure is on the map that has soils conditions. I don't know how to notify each buyer. Ron – So what liability does the City have for allowing a building permit and inspecting the project? Paul – To determine liability you look at whatever guy did the work. We don't inspect the soils. Most claims in the past are based on soils. The City is generally immune from even negligent inspections under the governmental immunity act. Craig – The Planning Commission has seen this a couple of times. Bob – The owners' eyes are wide open. They are not building high-density town homes. They will do whatever's necessary. This is a family business that has been around a long while.
Consent.

CONSIDER AN ORDINANCE CREATING NO PARKING ZONES ON BOTH SIDES OF WESTERN VIEW DRIVE. JP MELCHIOR/KIT WAREHAM:

JP – I am a resident on Western View. We wanted to have the hill be designated a no parking area. The cul-de-sac parking is fine, but the issue is on the hill itself. It is narrower than most of the streets and is essentially a two-lane road. It is a safety hazard. I would be willing to help with painting the curb red. I could get my friends to help if needed. Ron – We could get the scouts to help. Kit – The street is 22 feet wide. We looked at maybe allowing no parking on one side, but it's a dead end street and that would be worse than no parking on both sides. Chief Adams – I don't recall that we've ever been called up there for parking issues, but I don't see it being a problem to enforce it if it is clearly marked. Terri – How do we typically handle that? Paul – We pass an ordinance. Kit – I can't remember any "no parking area" that's been painted by the residents. The Street Department does it. JP – Concerning the cost, the prevention of an accident highly outweighs the cost.
Action.

CONSIDER APPROVAL OF CONTRACT & NOTICE TO PROCEED BETWEEN CEDAR CITY & NICHOLS BUILDING, LLC. FOR AIRPORT IMPROVEMENT PROJECT (AIP-31). JEREMY VALGARDSON:

Jeremy – This is the Airport terminal rehab project and we have the contract ready for Nichols. They will do the work that was in all the documents you have seen before. This just gives permission to proceed and the start date is August 15th.
Consent.

REVIEW BIDS FOR THE MAIN STREET MONTEREY DRIVE TO 800 SOUTH LIGHT REPLACEMENT PROJECT. KIT WAREHAM:

Kit – This is right by the All American Diner up to Taco Time. We received one bid which came in under-budget. We have \$425,000 for the budget with \$75,000 that is a grant from UDOT. We already have had to change one thing. The bid was \$377,621.90 and it's with Schmidt construction.

CEDAR CITY COUNCIL
AGENDA ITEMS - 4
DECISION PAPER

TO: Mayor and City Council

FROM: City Manager

DATE: October 3, 2016

SUBJECT: Ordinance amending provisions related to retail tobacco specialty businesses

DISCUSSION:

In March the City adopted a moratorium on issuing licenses for retail tobacco specialty businesses. Issues cited in the ordinance adopting the moratorium included letting the legislature finish its session and consideration of the requests from the Iron County Prevention Coalition to place more restrictions on tobacco/vape products, and to evaluate. Prior to the moratorium the City was having a difficult time with its adopted regulations. The provisions in the City's ordinance defined retail tobacco specialty businesses based on % of gross receipts from a business. Businesses were not compelled to provide gross receipt data and the City was without the necessary resources to audit individual businesses.

During the State Legislative session there 3 bills and one joint resolution related to tobacco. H.B. 157 and H.B. 157S02 would have raised the age at which one could purchase tobacco products to 21. H.B. 333 would have amended some provisions related to how tax money on the sale of tobacco products would be spent. None of the bills passed during the legislative session. H.C.R. 2 was passed during the legislative session and signed by the Governor. H.C.R. 2 recognized the 40th anniversary of the Utah Indoor Clean Air Act and acknowledged its role in reducing smoking in Utah.

Attached is a proposed amendment to the City's current business licensing ordinances related to tobacco specialty retail stores, see Exhibit #1. The proposal changes the way the City defines which businesses are retail tobacco specialty businesses. In order for staff to make an initial determination as to the status of the business staff will be able to look at the name of the business, how they advertise, and the percentage of floor space in the store used for tobacco items. For example, if a business uses a reference to tobacco or vapor products in its name or advertising it will be presumed to be a retail tobacco specialty business. If a business has 40% or more of its floor and shelf space inside the business devoted to the display or storage of tobacco products it will be presumed to be a retail tobacco specialty business.

If a business owner is presumed to be a retail tobacco specialty business the business has to meet the restrictions outlined in section 3 of the ordinance. The business has to be 1,000 feet away from: public or private kindergartens; elementary schools; middle or junior high schools; high

schools; licensed day care facilities; preschools; trade or technical schools; churches; the public library; public playgrounds; public parks; a youth center or any other space used primarily for youth oriented activities; public recreational facilities; and public arcades. The business also has to be 600 feet from another retail tobacco specialty business, property zoned or used for residential or agriculture purposes, or any other requirement found in state law.

The amendment to the existing ordinance grandfathers a business is lawfully licensed as a retail tobacco specialty business and one of the uses or zones moves in at a closer distance than is restricted by the separation requirements in section 3. The amendment also contains a provision requiring the evaluation of a business' status as a retail tobacco specialty business shall take place on each individual business location and when the business applies for an initial business license or a subsequent renewal of their business license.

Please consider adopting changes to the City's business license regulations related to retail tobacco specialty business.

Exhibit #1

CEDAR CITY ORDINANCE NO. _____.

**AN ORDINANCE OF THE CEDAR CITY COUNCIL AMENDING THE PROVISIONS
OF THE CEDAR CITY BUSINESS REGULATIONS AND LICENSING ORDINANCE
RELATED TO RETAIL TOBACCO SPECIALTY BUSINESSES.**

WHEREAS, in 2013 the Cedar City Council, in accordance with applicable provisions of Utah State Law amended its business licensing ordinance to include provisions regulating retail tobacco specialty businesses; and

WHEREAS, within the past year the City has been approached by the Southwest Public Health Department in conjunction with the Iron County Prevention Coalition with a request to further regulate retail tobacco specialty operations; and

WHEREAS, the Southwest Public Health Department and the Iron County Prevention Coalition have cited information related to youth tobacco use, addiction, and possible health hazards related to traditional tobacco use as well as the use of vape or vapor products; and

WHEREAS, the City has also received information from business persons in the community that sale vape, or vapor based nicotine products showing the use of such products as a method of getting people to stop smoking; and

WHEREAS, Cedar City has studied its ordinance in light of the need to regulate retail tobacco specialty business as well as in the light of allowing the free market to decide what types of businesses the residents of the City will support; and

WHEREAS, the City staff recommends changes to the existing retail tobacco specialty business regulations so that it will be easier to make an initial determination as to whether a business is a retail tobacco specialty business, to make it easier to deny licensure to a business that becomes a retail tobacco specialty business once its doors have opened, to encourage compliance with the location restrictions contained in the existing regulations, and to allow those retail tobacco specialty businesses that follow the existing restrictions to conduct business without further regulation.

NOW THEREFORE BE IT ORDAINED by the City Council of Cedar City, State of Utah that Chapter 23, Section 9 (P) regulating Retail Tobacco Specialty Businesses contained in the Ordinance of Cedar City, Utah, is hereby amended as follows to eliminate the struck out language and include the underlined language:

(P) Retail Tobacco Specialty Businesses.

1. For purposes of this ordinance the following terms shall have the following definitions:

- a. "Community location" means: (a) a public or private kindergarten, elementary, middle, junior high, or high school; (b) a licensed child-care facility or preschool; (c) a trade or technical school; (d) a church; (e) a public library; (f) a public playground; (g) a public park; (h) a youth center or other space used primarily for youth oriented activities; a public recreational facility; or a public arcade.
- 2. ~~"Retail tobacco specialty business" means a commercial establishment in which: (a) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment; (b) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and (c) the establishment is not licensed as a pharmacy under State Law.~~
- b. "Tobacco Product" means: (a) any cigar, cigarette, or electronic cigarette as defined by state law; (b) a tobacco product defined under state law including chewing tobacco or any substitute for a tobacco product, including flavoring or additives to tobacco; and (c) tobacco paraphernalia as defined by state law.

2. For purposes of this ordinance the following rules shall be applied to determine if a business entity is a "retail tobacco specialty business":

- a. A business shall be presumed to be a retail tobacco specialty business if: (i) the name of the business evidences holding oneself out as a tobacco specialty business, such as by use in the name of the business or advertising for the business of terms similar to "smoke shop" or "vape shop", or; (ii) the allocation of floor and shelf space inside the business shows a focus on tobacco products such that forty percent (40%) or more of the floor and shelf space inside the business is devoted to the offer, display, and/or storage or tobacco products.
- b. If a business is presumed to be a retail tobacco specialty business in accordance with the terms of this ordinance the business may either meet the terms and conditions established in paragraph three (3) of this section, or the business may rebut the presumption that it is a retail tobacco specialty business. The presumption that the business is a retail tobacco specialty business may be rebutted by providing a statement sworn to by a certified public account disclosing quarterly gross receipts for at least two (2).

consecutive calendar quarters showing that the sale of tobacco products accounts for less than thirty-five percent (35%) of the total gross receipts for the business. The calculation of the thirty-five percent (35%) gross receipts shall be made for each location applying to have the presumption that it is a retail tobacco specialty business evaluated. If the business can successfully rebut the presumption that it is a retail tobacco specialty business it does not have to follow the conditions established in paragraph three (3) of this section.

- c. The evaluation of a business under the terms of this section shall take place on each individual location of a business and shall be conducted upon applying for an initial business license, or for the renewal of an existing business license.

THIS SECTION AMENDED BY CEDAR CITY ORDINANCE NO. 0925-13-1.

3. Conditions regulating a retail tobacco specialty business.

- a. A business entity that conducts, or intends on conducting, a retail tobacco specialty business in Cedar City shall comply with the provisions of this ordinance, pay the general business license fee established herein, and obtain a retail tobacco specialty business license.
- b. No license for a retail tobacco specialty business may be issued if the retail tobacco specialty business is located within: (a) 1,000 feet of a community location; (b) 600 feet of another retail tobacco specialty business; (c) 600 feet of property zoned or used for either agriculture or residential purposes; or (d) any other requirement included in state law. For purposes of this ordinance the proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of: (a) the community location; (b) another retail tobacco specialty business; (c) property used or zoned agricultural; (d) property used or zoned residential, or; (d) other such uses or zones that may be specified in state law. Said measurement shall be made without regard to intervening structures or zoning districts.
- c. The provisions of this ordinance shall not apply to retail tobacco specialty businesses operating in Cedar City prior to May 8, 2012, if they maintain a business license without relapse or revocation, the business is not closed for more than 60 consecutive days, the business does not substantially change its operation, and the business continues to operate in accordance with federal law, state law, and city ordinance. None of the restrictions contained in paragraph three (3) of this section shall apply to a retail tobacco specialty business that was lawfully licensed in a location permitted by this ordinance prior to a change of use or zoning in property within applicable distance

requirements that would otherwise prohibit the use of the already licensed
retail tobacco specialty business.

THIS SECTION AMENDED BY CEDAR CITY ORDINANCE NO. 0925-13-1 AND

BE IT FURTHER ORDAINED by the City Council of Cedar City, State of Utah, that Cedar City staff is authorized to make such non-substantive changes to the form and format of this ordinance as are reasonably necessary to publish the ordinance in the Ordinances of Cedar City, State of Utah.

This ordinance, Cedar City ordinance No. _____, shall become effective immediately upon publication as required by State Law.

Dated this _____ day of _____, 2016.

Maile L. Wilson
Mayor

[SEAL]

ATTEST:

Renon Savage
Recorder

CEDAR CITY COUNCIL
AGENDA ITEMS - 6
DECISION PAPER

TO: Mayor and City Council

FROM: City Manager

DATE: October 3, 2016

SUBJECT: Sign ordinance amendment

DISCUSSION:

An amendment to the City's sign ordinance has been submitted to the Planning Commission. The amendment changed the definition of snipe sign to, "a sign not otherwise defined herein, typically made of non-durable or semi durable material mounted, by any means, to a tree, utility pole, the ground, or other infrastructure within a public right of way, including public strips and medians, or on public property". Next the amendment proposed a different method of enforcement that would allow Code Enforcement, or a designee, to remove signs that could be easily removed. The City would give the owner notice and 7 days to retrieve the sign or the sign would be thrown away. The Planning Commission reviewed this proposal and had several questions. A copy of this proposal is attached as Exhibit #1, and a copy of the Planning Commission minutes are attached as Exhibit #2.

After the Planning Commission recommendation, Councilmember Rowley had another idea that he would like the Council to consider. Mr. Rowley's approach is reflected in Exhibit #3. This concept keeps the above referenced definition of snipe sign, it would assign enforcement to Code Enforcement (or a designee), and as far as enforcement it contains the following language, "If a code Enforcement Officer, or designee, sees a snipe sign he/she shall treat the snipe sign as litter, remove the sign and deposit the sign in the trash. Placement of a snipe sign on public property or within the public right of way is littering and may be punishable as a class C misdemeanor and carry a fine of not less than \$100 for each violation".

The two proposals both have a common definition of snipe sign and they have different enforcement provisions.

Please consider an amendment to the City's existing sign ordinance. When a motion is made please be specific in the motion as to which proposal is being discussed.

Please call if you have questions.

Exhibit #1

CEDAR CITY ORDINANCE NO. _____

**AN ORDINANCE AMENDING PROVISIONS OF CEDAR CITY'S SIGN ORDINANCE,
CHAPTER 26 SECTION XVI OF THE ORDINANCES OF CEDAR CITY, UTAH.**

WHEREAS, Cedar City has adopted an ordinance regulating signs within the corporate borders of Cedar City. The Sign ordinance is located in Chapter 26, Section XVI of the Ordinances of Cedar City, Utah; and

WHEREAS, the City's sign ordinance regulates many types of signs including large signs that are mounted on concrete footings, signs attached to sides of buildings, and small signs that are typically stuck in the ground or taped to a utility pole; and

WHEREAS, the City has encountered difficulty related to the enforcement of the City's sign ordinance as it relates to signs that are temporary in nature, often located in the public right of way, and are capable of being removed reasonably quickly; and

WHEREAS, current enforcement procedures require a court order prior to removal of a sign; and

WHEREAS, in an effort to clean up illegal signs, increase the City's ability to quickly enforce the sign ordinance, and provide notice to the sign owner and an opportunity for the sign owner to reclaim his/her property Cedar City has recommended amending the provisions of its sign ordinance; and

WHEREAS, the proposed amendments to the sign ordinance have been presented to the Cedar City Planning Commission during a duly published public meeting on the _____ day of September, 2016, and said Planning Commission gave the proposed amendments a _____ recommendation; and

WHEREAS, Notice of a public hearing before the Cedar City Council was duly published, and the Cedar City held a public hearing to consider the proposed amendments on the ____ day of September, 2016; and

WHEREAS, after due consideration of the public comments, if any, the City Council finds that the proposed amendments are reasonably necessary to establish and maintain sound, stable, and desirable development within Cedar City.

NOW THEREFORE IT IS HEREBY ORDAINED by the City Council of Cedar City, State of Utah that Chapter 26, Section XVI of the Ordinance of Cedar City, Utah, is hereby amended as follows to remove the struck out language and to include the underlined language:

CHAPTER 26
PLANNING AND ZONING
ARTICLE XVI CEDAR CITY SIGN ORDINANCE

SECTION	26-XVI-1.	Introduction & Purpose
SECTION	26-XVI-2.	General Provisions
SECTION	26-XVI-3.	Definitions
SECTION	26-XVI-4.	Prohibited Signs
SECTION	26-XVI-5.	Signs Allowed Without a Permit
SECTION	26-XVI-6.	Signs Requiring A Permit
SECTION	26-XVI-7.	Sign Permit Procedures
SECTION	26-XVI-8.	Signs in Specific Areas
SECTION	26-XVI-9.	Temporary Signs
SECTION	26-XVI-10.	Measurement of Regulated Sign Area
SECTION	26-XVI-11.	Nonconforming Signs
SECTION	26-XVI-12.	Removal of Illegal and Unsafe or Abandoned Signs
SECTION	26-XVI-13.	Exhibits

I. SECTION 26-XVI-1 Introduction & Purpose

Signs are an important aspect of the City. Besides providing identification to commercial and industrial businesses, creative and attractive signs show a community's economic vitality. The proliferation and disrepair of signs can deter their effectiveness, as well as cause dangerous conflicts with traffic-control devices. When abused, signs create a visual blight which detracts from the quality of the environment.

The purpose of the sign ordinance is to manage the use of signs as to be compatible with their surroundings, provide effective identification of business establishments, contribute to the protection and the promotion of the health, safety, and welfare of the traveling public and the citizens of the City, preserve and enhance property values, promote healthy commercial and industrial districts, and to enhance the community's aesthetics by establishing standards and regulations for sign design, location, size, type and compatibility.

SECTION 26-XVI-2 General Provisions

This section shall govern and control the erection, remodeling, enlarging, moving, alteration, operation and maintenance of all signs within all zoning districts. It also provides penalties for violations of this section.

- (1) All signs erected in Cedar City shall comply with the provisions of this ordinance and applicable codes. All sign permit applications shall demonstrate conformance with the provisions of this ordinance and applicable codes. Where required by the Chief Building Official, a permit application shall be accompanied by drawings stamped by an engineer licensed by the State of Utah. Nothing contained in this section shall be deemed a waiver or variance of the provisions of any other articles or sections in this code

applicable to signs. Signs located in areas governed by several articles or sections of this code shall comply with all such articles and/or sections. In the case of contradicting requirements or provisions, the more restrictive shall apply.

- (2) All signs must be built of durable and permanent materials. Permanent power sources for signs must be concealed underground away from public view. No sign, fixture or device involving electrical wiring or connections shall be erected or installed except by a contractor licensed in the State of Utah.
- (3) No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the applicable codes.
- (4) The Building Inspector shall inspect, as deemed necessary, signs, regulated by this Chapter to ascertain whether the signs have been adequately installed and adequately maintained. Every sign shall be kept in complete operating condition. The landscaped area in which any sign is placed shall be kept free from weeds, garbage and debris. "Maintenance" includes repair of facades where signs have been removed, the painting, cleaning and repairing of signs. Upon discovery of a sign in need of maintenance, the Building Department shall give written notice to the owner stating the item(s) of needing repair or maintenance. The owner shall have thirty (30) calendar days to make repairs before legal action may be taken.
- (5) Failure to abide by and faithfully comply with any and all terms and conditions that may be attached to the granting of any sign permit or variance shall constitute grounds for the revocation of such permit by the Building Department. All remedies provided for in this ordinance shall be cumulative and not exclusive.

SECTION 26-XVI-3 Definitions

(1) A-frame signs: "A-frame sign" means a temporary and/or movable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.

(2) Abandoned sign: Any sign applicable to a use which has been discontinued for a period of 30 days.

(3) Alterations: Change or rearrangement in the structural parts or design of the sign, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another adding or deleting words from the copy or changing the size of the letters or figures comprising the copy.

(4) Area of sign: Includes the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within the smallest primary shape possible and calculating the area of that

shape.

(5) Animated sign: Sign which involves motion or rotation of any part by mechanical or artificial means or displays flashing or intermittent lights excluding; time, temperature, electronic display screens and electronic message centers.

(6) Awning: Roofed structure constructed of fabric or metal placed so as to extend outward from the building providing a protective shield for doors, windows and other openings with supports extending back to the building, supported entirely by the building.

(7) Banner: Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. Flags shall not be considered banners.

(8) Billboard sign: An off-premise, free-standing outdoor advertising sign.

(9) Building face or wall: All window, door and wall area of a building in one plane or elevation.

(10) Building marker: Any sign indicating the name of a building, date and incidental information about its construction, which is cut into a masonry surface or made of bronze or other permanent material.

(11) Canopy: A roofed structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building. A canopy may also be separated from the primary structure.

(12) Changeable copy sign or changeable letter panel: A sign which is characterized by changeable copy, whether said sign is a freestanding or wall sign, or whether said sign projects from and is supported by the building.

(13) Directional sign (guide signs): Signs which serve as directional guides to recognize areas of regional importance and patronage. To clarify, three (3) types of areas are intended to be included: 1) Recreational and entertainment centers of recognized regional significance; 2) Major sports stadiums, entertainment centers or convention centers; and, 3) Schools, emergency services, churches; 4) Historic landmarks.

(14) Electronic display screen: Any sign or portion of a sign that displays an electronic image or video, which may or may not include text. This definition includes, but is not limited to, television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

(15) Electronic message center: A mechanism or device which uses a combination of

lights or lighted panels which are controlled electrically and electronically to produce words, symbols or messages which may travel, or remain stationary within a given panel.

(16) Flag: Any fabric, or bunting containing distinctive colors, patterns or symbols.

(17) Flat Sign: A sign erected parallel to and attached to the outside wall of a building and extending not more than twelve inches (12") from such a wall with messages or copy on the face side only.

(18) Free standing sign: A sign which is supported by one or more uprights or braces which are fastened to, or embedded in the ground or a foundation in the ground. Free-standing signs may refer to permanent (i.e. on-premise advertising ground signs) or temporary signs (i.e. project identification or real estate signs).

(19) Graffiti: Any form of unauthorized printing, writing, spraying, scratching, affixing, or inscribing on the property of another regardless of the content or nature of the material used.

(20) Height of sign: The vertical distance measured from the curb to the top of the sign, including the air space between the curb and the sign.

(21) Hours of operation sign: A sign which displays the hours of operation, including "open" and "closed" signs.

(22) Identification sign: A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses on the premises, i.e. schools, churches, hospitals, etc.

(23) Illuminated sign: A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign proper.

(24) Interior sign: A sign located within a building so as to be visible from inside the building in which the sign is located.

(25) Marquee: A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

(26) Marquee sign: Any sign attached to and made a part of a marquee.

(27) Master identification sign: A sign which identifies only the name and/or logo and/or address of a commercial or industrial complex, the owner and tenants thereof.

(28) Mobile or portable sign: A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to,

signs designed to be transported by means of wheels; signs converted to A- or T- frames; balloons used as signs painted on vehicles parked and visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business.

(29) Monument sign: A freestanding sign whose face extends vertically from the curb.

(30) Non-conforming signs: Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Code.

(31) Off-premise sign: An advertising sign which directs attention to a use, product, commodity or service not related to the premises.

(32) On-premise or business identification sign: A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted on the premises upon which the sign is located, or to which it is affixed.

(33) Owner: The entity that holds legal possession of a sign, or the owner of the property on which the sign is located.

(34) Pedestal sign: A temporary and movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

(35) Pennant Line: A line suspended in the air with multi-color pennants or hanging strips of material.

(36) Planned Commercial Center: A commercial location where two or more businesses are located in one or more main buildings with recorded shared access and parking easements.

(37) Projecting sign: A sign attached to a building or other structure and extending in whole or in part more than eight (8) inches beyond any wall of the building structure.

(38) Public property: Any property owned or used by a governmental agency.

(39) Roof sign, integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

(40) Sign: A sign shall mean and include every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of sign shall also

include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers. This definition does not include any flag

(41) Sign frontage: The length in feet of the ground floor level of a building front or side facing a street that is occupied by an individual business.

(42) Signage plan: A plan designed to show the relationship of signs for any cluster of buildings or any single building housing a number of users or in any arrangement of buildings or shops which constitute a visual entity as a whole.

(43) Snipe sign: ~~A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, or service pole~~ A sign not otherwise defined herein, typically made of non-durable or semi durable material mounted, by any means, to a tree, utility pole, the ground, or other infrastructure within a public right of way, including public strips and medians, or on public property.

(44) Special purpose sign: Sign of a temporary nature other than those established by a business; for the purpose of advertising a special event pertaining to drives or events of a civic, philanthropic, cultural, educational, sporting events, concerts or religious organization.

(45) Street decorations: Pennants, flags, banners, lights and signs that are temporary and promote community festivals, events, activities and gatherings.

(46) Structure: The supports, footings, uprights, bracing, guy rods, cables, and framework of a sign or outdoor display.

(47) Suspended sign: A sign that is suspended from the underside of a horizontal plane surface (such as the underside of a balcony or canopy) and is supported by such surface.

(48) Subdivision or project entrance sign: An identification sign located at the entrance to a residential or commercial development.

(49) Temporary sign: A sign which is intended for use during a specified limited time. Temporary signs, as defined by this ordinance shall include real estate signs and construction signs.

(50) Wall signs: A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building, or fence and extending not more than twelve inches (12") from the wall. The area of a wall is determined by the height and width of the wall structure without consideration of the non-structural components attached to the wall.

(51) Wall murals: Murals which are purely decorative in nature and content, and do not include advertising by picture or verbal message are exempt from sign regulation.

(52) Window sign: A sign installed upon or within one foot of a window for the purpose of viewing from outside of the premises. This term does not include merchandise displayed.

(53) Zone districts. Refers to land use regulatory zones under the zoning ordinance of Cedar City.

(54) Zone lot: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

Amended by Cedar City Ordinance No. _____.

SECTION 26-XVI-4 Prohibited Signs

The following signs are prohibited:

(1) A-frame signs not addressed in Section (9 - Temporary Signs) .

(2) Animated signs.

(3) Banners. All banners except those expressly permitted under this code. (Temporary Signs).

(4) Flashing signs or lights. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Flashing light sources are prohibited. Electronic message centers are allowed.

(5) Graffiti.

(6) Hazardous signs. No sign shall be erected or maintained which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety and welfare of any person or property.

(7) Inflatable signs or displays. Any inflatable object used for signage or promotional purposes except as permitted by this ordinance for a grand opening or special promotion.

(8) Off-premise signs. Off-premise signs are not allowed, except billboards, planned commercial center signs and street decorations as described in this ordinance.

(9) Signs creating traffic hazards. No sign shall be erected at or near any public street or the intersection of any streets or on any curb, sidewalk, hydrant, bridge, in such a manner to create a

traffic hazard by obstructing vision or at any location where it would interfere with, obstruct the view of, or be confused with any authorized traffic sign.

(10) Signs resembling traffic signs or signals. No sign shall be constructed, erected, or maintained which purports to be or resembles an official traffic sign or signal except those signs

(11) Snipe signs

(12) Spotlights directed into the night sky except as part of an approved promotional period for temporary signs.

(13) Wind signs. Any propeller, whirling, or similar device which is designed to flutter, rotate, or display other movement under the influence of the wind. Pennant signs, street decorations and wind signs on residential property that do not advertise commerce shall be allowed.

(14) Obscene Signs. Signs that exhibit words or pictures or an obscene nature.

SECTION 26-XVI-5 Signs Allowed Without a Permit

(1) The following signs are permitted within the City subject to the limitations and requirements, as noted, and the standards described in this ordinance. Sign permits are not required for these signs unless the limitations and requirements of this section cannot be met. In such cases, a sign permit is required. Exempt signs shall only be illuminated by indirect lighting, except, as specifically allowed otherwise within this section, and shall not be included in the limitation on the number of signs allowed per parcel nor shall they be included in the computation of aggregate permitted sign area unless otherwise stated in this section.

(a) Apartment, hotel, or motel sign: One vacancy and/or no vacancy sign, which shall not exceed four (4) square feet in area. Such sign may be internally illuminated.

(b) Building interior sign: Any sign located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which is designed and located to be viewed by patrons. Such sign may be illuminated.

(c) Directional or Instructional sign: A sign which provides direction or instruction and is located entirely on-premise and which does not in any way advertise a business and shall not exceed six (6) square feet in area. These signs may identify restrooms, public telephones, walkways and parking directions.

(d) Display sign: A sign within a showcase or storefront and, if directly illuminated, shall conform to this ordinance.

(e) Flag: Flags, emblems or insignia of any nation, or political subdivision may be displayed in a manner whereby it is not construed as an attraction-gaining device for the

advertising of a product or use. Such a flag shall not be flown from a pole the top of which is more than 40 feet in height. A corporation flag, limited to one (1) flag per parcel of land, when flown in conjunction with the State or National flag.

(f) Gasoline price signs: One double-faced sign including each type of fuel sold is permitted. The area of the sign may not exceed 16 square feet. One additional gasoline price sign is permitted if the property has more than three hundred feet (300') of lineal street frontage on a dedicated public street

(g) Home occupation sign or nameplate: Such sign shall not exceed 1.5 square feet in area denoting only the name and profession of an occupant on the premise where the sign is placed.

(h) Integral sign: A sign indicating the name(s) of a building, dates or erection, monumental citation, commemorative tablets and the like, and made an integral part of the structure. Such shall not exceed ten (10) square feet in area, and shall be carved into stone, concrete, or similar material or made of metal, bronze, aluminum, or other permanent type construction material.

(I) Menu sign for drive-thru and dine-in restaurants shall not be designed to be read from the public right-of-way nor to attract attention to the site from the right-of-way. Such sign may be illuminated.

(j) New business signs: may be banners for up to eight weeks pending permanent sign (see Temporary Sign section).

(k) No trespassing sign: Such sign regulating the use of property such as no hunting, no fishing, etc., and shall be no more than two (2) square feet.

(l) On-premise, individual lot development signs: Individual lots may have signs identifying businesses developing the lot. The signs shall not be erected prior to issuance of a valid building permit and must be removed before final occupancy. Signage shall not exceed one hundred (100) square feet, with the height not to exceed ten (10) feet.

(m) On-premise, subdivisions and commercial construction development signs: Subdivisions and commercial construction sites may have promotional signs placed on the premises. The maximum size of any sign shall be ninety-six (96) square feet with the height not to exceed twelve (12) feet. The total square footage of all signs shall not exceed one hundred-forty (140) square feet. The signs shall not be erected prior to the approval of the subdivision or construction by the City and shall be removed within 5 years of issuance of the first building permit, occupancy or upon sale of the last lot, whichever comes first.

(n) Political Signs.

(o) Public sign: A sign of a noncommercial nature and in the public interest, installed by, or on the order of, a unit of government, such as but not limited to a safety sign, danger sign, trespassing sign, traffic sign, memorial plaque, sign of historical interest, information sign or, a sign of public utility agencies or a construction contractor serving as a directional or safety aid, street sign, road work sign, etc.

(p) Real estate sign (individual lots): In residential zones, the sign area shall not exceed six square feet and shall not exceed six feet in overall height. In commercial and industrial zones, the sign area shall not exceed thirty-two (32) square feet and shall not exceed eight (8) feet in overall height. Off-premise, directional signs shall be permitted for special promotional events that are temporary in nature, (i.e parade of homes).

(q) Vehicle signs: Signs painted or attached directly on vehicles advertising the business establishment using the vehicle, in the normal course of business and not as off-premise advertising.

(r) Window sign: Shall be affixed to the window or window frame. Multiple window signs shall be permitted but the total area of all window signs shall not cover more than twenty-five percent (25%) of the window area upon which it is placed.

(B) SECTION 26-XVI-6 Signs Requiring A Permit

(1) Monument Signs. The use of monument signs is encouraged. The following shall apply:

(a) Monument signs are allowed for any size parcel provided that the parcel has a minimum thirty (30) feet of frontage. The sign area allowed is determined by the amount of street frontage along which the sign is to be placed and shall be determined with the ratio of one (1) square foot of sign area for each foot of lineal frontage, beginning with 30 square feet and shall not to exceed two hundred (200) square feet. Multiple monument signs may be used along a street frontage as long as the combined area of the signs does not exceed two hundred (200) square feet. However, signs must be separated by at least 100 feet as measured along the street frontage.

(b) Monument signs must have at least a one foot pedestal. The height to the top of the sign shall not exceed twenty (20) feet as measured from the base of the sign at curb level. Monument signs shall be behind the street right-of-way and shall be placed a minimum of fifteen (15) feet from a driveway and thirty (30) feet from a corner lot line so as not to impede the view of traffic.

(c) No monument sign shall be more than three (3) feet in height if it is erected at any vehicular traffic intersection within a triangular area formed by the intersection of straight lines extended from the back of curb and a line connecting them at points 30 feet from the intersection.

(2) On-Premise Freestanding signs. When using a freestanding sign, the following shall apply:

(a) One free standing sign is permitted. Sign area shall not exceed one hundred (100) square feet. In cases where the street frontages exceed one hundred (100) lineal feet, the sign area may increase at the ratio of one (1) square foot of sign area for each additional one (1) lineal foot of frontage, not to exceed two (200) square feet. Sign height shall not exceed thirty (30) feet. Free standing signs shall not extend over the street right of way. One additional on premise freestanding sign is permitted if the property has more than three hundred feet (300') of lineal street frontage on a dedicated public street. The additional sign shall not be higher than seventy percent (70%) of the first sign and shall be at least one hundred feet (100') apart.

(b) Reader boards, changeable copy areas, gasoline price signs, electronic message centers and electronic display screens are allowed and shall be considered as a portion of the total sign copy area.

(c) Freestanding signs shall not extend over any pedestrian or vehicular access. Free standing sign bases shall not obstruct the view of vehicular traffic at intersections.

(d) Interstate 15 Interchanges Areas. (Areas defined in Section 13 Exhibits). On parcels located within the Interstate 15 areas, signs may have a height not greater than fifty (50) feet above the nearest travel way (traffic lane) of Interstate 15. Sign area shall not exceed two hundred (200) square feet. In cases where the street frontages exceed one hundred (100) lineal feet, the sign area may increase at the ratio of one (1) square foot of sign area for each additional foot of frontage, not to exceed three (300) square feet.

(3) Wall Signs. Wall signs are encouraged as the primary form of identification for business uses in the City.

(a) Signs may not occupy more than twenty percent (20%) of the face of the front wall to which they are attached, nor more than fifteen percent (15%) on the face of a side or rear wall. If a sloping facade or roof exists, the signs may not exceed twenty percent (20%) of the face of the front wall to which they are attached, nor more than fifteen percent (15%) on the face of a side or rear wall.

(b) Wall signs on sloping roofs shall be erected so as to appear as a sign applied to a similarly vertical wall surface and finished in such a manner that the visual appearance from all sides is such that they appear to be part of the building. All such signs shall be installed or erected so there is no visual support structure such as guy wires or braces.

(c) No part of any wall sign or of the sign structure shall project above or below the highest or lowest part of the wall upon which the sign is mounted or painted.

(d) No wall sign, including any light box or structural part, shall project more than

twelve (12) inches from the face of the building to which it is attached.

(e) Projecting signs are permitted if they are not more than four (4) feet from the wall, not more than ten (10) square feet in area, and not lower than ten (10) feet above the sidewalk.

(4) Billboard Signs. Billboard signs are allowed only along the I-15 freeway corridor. The following shall apply:

(a) Billboard signs shall be allowed only on property adjacent to and fronting I-15 or I-15 frontage roads and on property zoned industrial. These signs must be oriented for freeway viewing only and located within 100 feet of the freeway right of way.

(b) Maximum area of one side of a sign (whether single or double faced) shall be 675 square feet, with the face not exceeding forty-eight (48) feet in length or fourteen (14) feet in height.

(c) Embellishments shall be permitted but the total area of the embellishments shall not exceed ten percent (10%) of the total permitted sign area. Embellishments may extend above and outward from the billboard but may not extend below the billboard.

(d) Maximum height of signs shall be thirty (30) feet above the most adjacent grade of the traveled way of the Interstate. Embellishments may extend above the maximum height, but may not extend more than five feet (5') above the height of the billboard.

(e) No sign shall be erected within 1,000 feet of another existing billboard sign. No sign shall be erected within two hundred (200) feet of a residential zone.

(f) Lighting shall be designed to light only the sign and not neighboring property.

(5) Suspended Signs. Suspended signs may be used in place of wall signs. The following shall apply:

(a) Any sign may not exceed 15% of the flat wall of the tenant space.

(b) No sign may project beyond the outside limit of the marquee, canopy or facade to which it is attached.

(c) Any sign must have at least a ten (10) foot clearance above the sidewalk or any landscaped area.

(6) Awning Signs. Awning signs are allowed. The following shall apply:

(a) Awning signs shall be limited to single story buildings or to the first level only of multistory buildings.

(b) The area of awning signs shall be a maximum of 15% of the primary wall upon which the awning is attached.

(c) Awning signs shall not project above the roof line, defined as the highest part of the vertical wall.

(d) Awning signs shall maintain a minimum clearance of 7 feet to the bottom of the valance and 8 feet to the frame above the sidewalk and comply with all other clearance requirements.

(7) Canopies. Signs for canopies not connected to the primary structure over gas islands are allowed. The following shall apply:

(a) Sign copy, corporate logos, etc. may be a maximum of fifty percent (50 %) of each face used for signage.

(b) Up to 3 sides of the canopy may be used for signs.

(c) Canopies may not exceed twenty (20) feet from grade and no canopy fascia shall exceed four (4) feet in height.

(d) Individual letters, logos, or symbols may not exceed three (3) feet in height or project out from the surface of the canopy more than eight (8) inches or project above or below the canopy face.

(8) Planned Commercial Centers:

(a) Where businesses are located in a planned commercial center, monument and freestanding signs are limited to one sign per commercial area. That sign shall be for the purpose of identifying all businesses within the planned commercial center and shall have a maximum area of one hundred (100) square feet. In cases where the lineal street frontage exceeds one hundred (100) square feet, the sign area may increase at the ratio of one (1) square foot of sign area for each additional foot of frontage, not to exceed two hundred (200) square feet. One additional monument or freestanding sign in a planned commercial center is permitted if the planned commercial center has more than three hundred feet (300') of lineal street frontage on a dedicated public street. The additional sign shall not be higher than seventy percent (70%) of the first sign and shall be at least one hundred feet (100') apart.

(b) Planned Commercial Center signs may be off-premise signs if the sign is located on the property of one of the businesses in the Planned Commercial Center or property jointly owned by the Planned Business Center.

SECTION 26-XVI-7 Sign Permit Procedures

(1) No person shall erect, install, replace or repair any sign requiring a permit, whether it be temporary or permanent in nature, without obtaining a sign permit from the Building Department, except as outlined in this ordinance. This includes new signs, signs to be added to existing buildings or uses, and existing signs that are to be enlarged, changed in sign structures or a change in business identification. When new buildings or developments are presented for Project Review, signs for the development shall be reviewed concurrently.

(2) Required Permit Information. An application for a sign permit and site plan will be reviewed by the Building Department and shall be accompanied by the following:

(a) Monument, Freestanding and Billboard Signs. A site plan indicating all existing and proposed signs on the site, including the relationship of sign(s) to buildings, property lines, setbacks from public rights-of-way, intersections, easements and driveways. The plan shall also include sign elevation indicating height, overall dimensions, colors, materials, proposed copy and illumination specifications. Details of sign construction including electrical plan, foundation design and property frontage shall also be included.

(b) Wall, Suspended, Awning and Canopy Signs Applications shall include drawings showing the square foot dimensions of the building and the sign and how the sign will

appear on the building from the street or parking area, and details of sign construction and any electrical plans.

(c) Temporary Signs. A site plan indicating all existing and proposed signs on the site, including the relationship of sign(s) to buildings, property lines, setbacks from public rights-of-way, intersections, easements and driveways. The proposed time period for display shall be included.

SECTION 26-XVI-8 Signs in Specific Areas

(1) Because of the unique character and special standards and/or requirements of certain areas, signs within these areas shall also have specific sign standards set forth below.

(2) Historic Downtown Area. (Area defined in Section 13 Exhibits).

(a) The overall facade composition, including ornamental details and signs shall be coordinated. Signs shall be proportional to the building, such that they do not dominate the appearance. In no case shall a sign obscure the architectural features or details of the building. Simple letter styles and graphic designs are more appropriate.

(b) Flush mounted wall signs are preferred. Flush mounted wall signs may not exceed twenty percent (20%) of the face of the wall to which they are attached.

(c) Projecting signs are permitted if they are not more than three (3) feet from the wall, not more than eight (8) square feet in area, and not lower than eight (8) feet above the sidewalk.

(d) Window signs may be painted or hung from inside but should not obstruct the view.

(e) Monument signs may be permitted on lots having set-back space.

(f) Awning signs are permitted. Awning colors shall be compatible with historic theme, which includes, but are not limited to, maroon, forest green, navy blue. Lettering shall be in scale and placed on the valance portion of the awning.

(g) Suspended signs are permitted. No suspended sign may project beyond the outside limit of the marquee, canopy or facade to which it is attached. Suspended signs shall not be lower than eight (8) feet above the sidewalk and shall be made of wood, metal or heavy canvas. Wood and metal suspended signs shall be three (3) dimensional or routed. The total square footage of all suspended signs shall apply to the maximum allowable square footage for flush mounted wall signs as stated in Section 8-2-b.

(h) Sign materials shall be compatible with building facade. Signs shall be three (3) dimensional or routed and made of wood and metal.

(i) Simple sign designs are preferred. Symbols and simple type faces that are in keeping with the historic are preferred. Lettering shall not exceed twenty-four inches in height.

(j) Lighting design shall enhance the entire building. Sign lighting shall not overwhelm the architectural features of the building. Light shall be directed at the sign from an external source. Internal illumination is not permitted, except for theatre marquees. All sign plans shall be reviewed by the Downtown Architectural Review Committee.

SECTION 26-XVI-9 Temporary Signs

(1) A temporary sign is one which is intended for use during a specified, limited time as determined by the City Building Official. Temporary signs shall not be placed in or over the public right-of-way or on telephone poles, fences, or trees or cause a public nuisance of any kind. They must be firmly secured to the building or ground. Temporary signs may be attached to existing permanent signs. Temporary signs may cover or obscure an existing permanent sign only if the business has changed hands or changed names. No off-premise signs are allowed except those specifically noted and regulated for real estate purposes or otherwise noted in the ordinance.

(2) Temporary signs requiring a permit.

(a) **Directional signs for Subdivisions/PUDs.** These signs need written permission of the property owner presented to the Building Official before they are erected.

(I.) Three (3) directional signs are allowed for a developer to guide traffic to the site and should contain only the name, address, and direction of the development. They are limited to twenty-four (24) square feet in area and six (6) feet in height and must be placed entirely upon private property and ten (10) feet from the street right-of-way.

(ii) Such signs shall be removed within six (6) months of final plat approval of the project or immediately upon the sale of the last lot, whichever comes first.

(b) Going Out of Business. A business may apply for a special permit in order to facilitate the liquidation of inventory for a closing business for a period not to exceed 90 calendar days. Such a permit will be allowed only once for any business license. A banner or portable sign is allowed during this period.

(c) A-frame sign. A sign which does not exceed six square feet per side and is not more than forty-two inches (42") high. There may be one sign A-frame per business and the sign must be located adjacent to business, on premise.

(3) Temporary signs allowed without a permit

(a) Holiday periods. A business may advertise a special service, product or sale during holiday periods without a permit:

(b) Religious functions may advertise the function no longer than five (5) days) before the event.

(c) Grand opening signs. Temporary signs announcing the initial opening of a business, or the relocation, or change of ownership of an existing business may be allowed provided that the event shall not continue for more than thirty (30) days and that the sign is erected within the first year of operation. There shall be no more than two (2) signs allowed per business. Banners and portable signs may be permitted. Signs must comply with size and location standards.

(d) Special promotion periods. A business may hold a monthly special promotion periods Each period may not exceed thirty (30) days in length. A banner, portable, or inflatable sign is allowed during this time.

SECTION 26-XVI-10 Measurement of Regulated Sign Area

(1) Monument Signs. The measurement area of a monument sign shall include all parts of the sign or structure that contains identification (words and symbols) and information. The height of a monument sign shall be the distance from the highest point of the sign to the height of the street curb or sidewalk.

(2) Freestanding Signs. The measurement area of a freestanding sign shall include all parts of

the sign or structure that contains identification (words and symbols) and information. The height of a freestanding sign shall be the distance from the highest point of the sign to the base at ground level of the sign.

(3) Wall Signs. Sign copy mounted or painted on a background panel or area distinctly painted, textured or constructed as a background for the sign copy shall be measured as area contained within the outside dimensions of the background panel or surface. Any illuminated bands or illuminated structures which contain sign copy, corporate logos, etc. are by definition wall signs in their entirety and as such may not exceed twenty percent (20%) of the face of the front wall to which they are attached, nor more than fifteen percent (15%) on the face of a side or rear wall

(a) For sign copy mounted as individual letters and/or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, the area shall be defined as the area enclosed by the smallest single rectangle that will enclose all sign area.

(b) For sign copy on an illuminated sign or illuminated architectural element of a building, the entire illuminated surface or illuminated architectural element which contains sign copy shall be counted as sign area.

(4) Multiple Face Signs

(a) Single Panel - Measure the area of the single face only.

(b) Double panel - If the interior angle between the two faces is 45 degrees or less, the area to be measured will be the area of one face only. If the angle between the two sign faces is greater than 45 degrees, the sign area to be measured shall include the sum of the area of the two faces.

(c) Three or More - The sign area shall be the sum of the areas of the three or more faces.

SECTION 26-XVI-11 Nonconforming Signs

(1) Existing Signs. For any sign existing in the City on (The effective date of the ordinance), the Building Department will determine if the sign is conforming or non-conforming according to this ordinance and issue a notice to the owner.

Alterations: A nonconforming sign shall not be raised, moved, replaced, extended or enlarged unless said sign is changed so as to conform to all provisions of this chapter. Alterations shall also mean the changing of the text of the sign when there is a major change in the use of the property. A major change in use occurs whenever the use changes from one of the following land use categories to another: office, retail, food/restaurant service, personal service, entertainment, lodging, repairs, institutional, public utility, manufacturing, and warehouse uses. Any major change in use requires any affected nonconforming sign to conform to all the provisions of this chapter. Alterations shall not be interpreted to include changing the text of a

marquee.

Restoration: Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, collision or any other cause beyond the control of the owner, to the extent of more than sixty percent (60%) of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter or shall be removed.

Maintenance of Legal Nonconforming Signs: Nonconforming signs shall be required to comply with the requirements of this chapter when any change, other than normal maintenance, is made to the sign.

SECTION 26-XVI-12 Removal of Illegal and Unsafe or Abandoned Signs

(1) Abatement or removal of signs.

- (a) **Signs reasonably capable of being immediately abated.** If a Code Enforcement Officer, or designee, sees a sign that is unlawful and is of such a size, structure, and nature that its immediate abatement is possible, then the Code Enforcement Officer shall remove the illegal sign. Examples of signs that may be reasonable capable of being immediately abated include, but are not limited to, snipe signs. The Code Enforcement Officer, or designee, shall provide the owner of the sign notice that the sign has been removed. Written notice is preferred, but verbal notice is acceptable. The sign owner shall have seven (7) days to retrieve his/her sign. If the sign is unclaimed after seven (7) days the City may dispose of the sign.
- (b) **Signs not reasonably capable of being immediately abated.** If, upon inspection, the ~~Building Official~~ a Code Enforcement Officer, or a designee, determines a sign, or awning to be unsafe, dangerous, non-maintained, or abandoned, the ~~Building Official~~ Code Enforcement Officer, or a designee, may issue a written order to the owner of the sign stating the nature of the violation and requesting them to repair or remove the sign within fourteen (14) calendar days after receipt of notice from the City. In cases of emergency, the Building Official may cause, at the owners expense, the immediate removal of dangerous or defective signs. Signs removed in this manner must present an imminent hazard to the public safety.
- (2) Any person who hangs, posts, or installs a sign which requires a permit under this Ordinance, and who fails to obtain a sign permit before installing the sign, shall be guilty of an infraction, fined accordingly and ordered, in writing, to remove the sign within fourteen (14) days.
- (2) After obtaining a court order, the ~~Building Official~~ Code Enforcement Officer, or designee, may cause the removal of an illegal sign. The cost to remove the sign shall be billable to the owner, or subject to a restitution order from the court. ~~or for failure to comply with the written orders of removal or repair at owner's expense.~~

Amended by Cedar City Ordinance No. _____.

SECTION 26-XVI-13. Exhibits

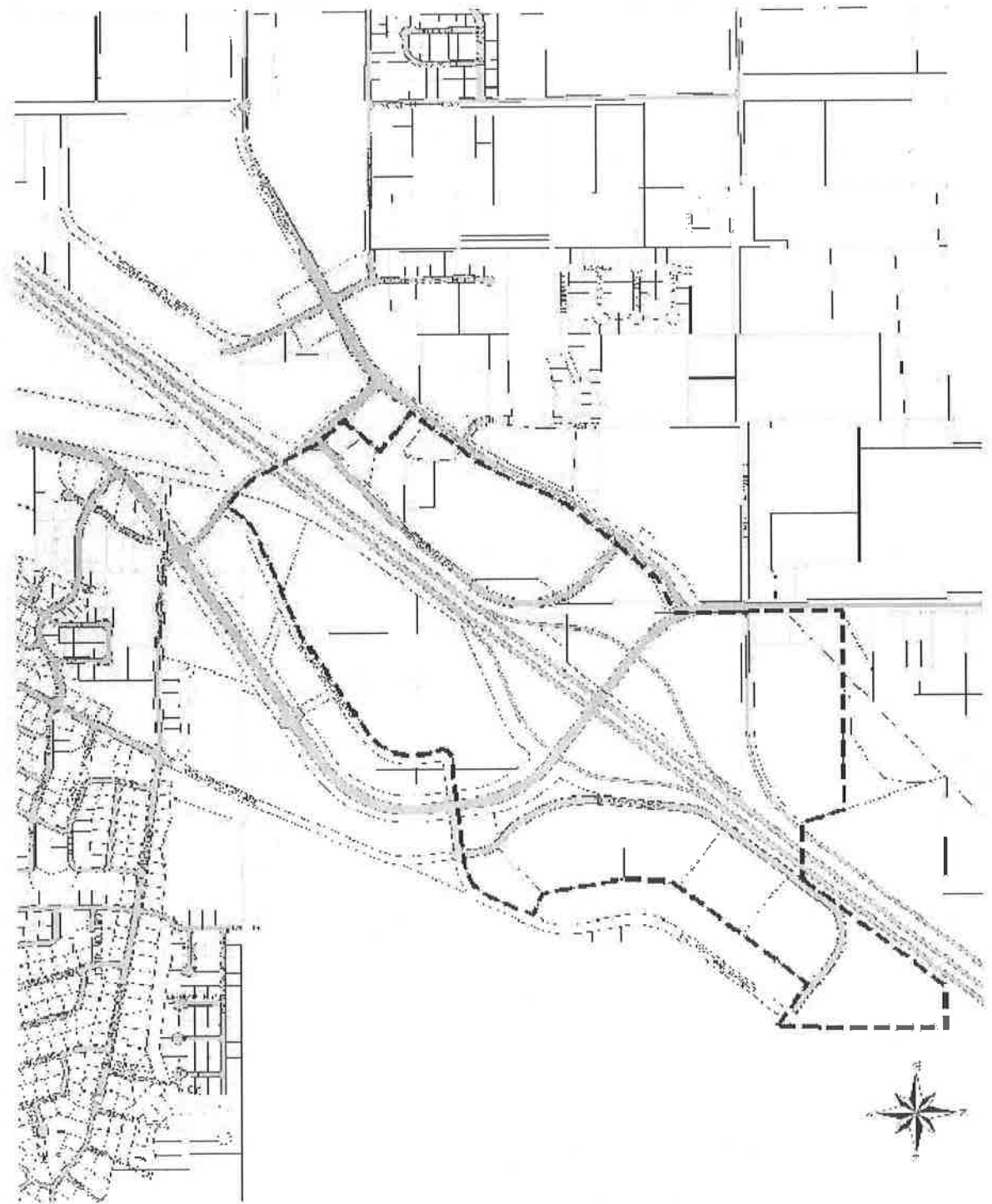


Exhibit A - North Interchange

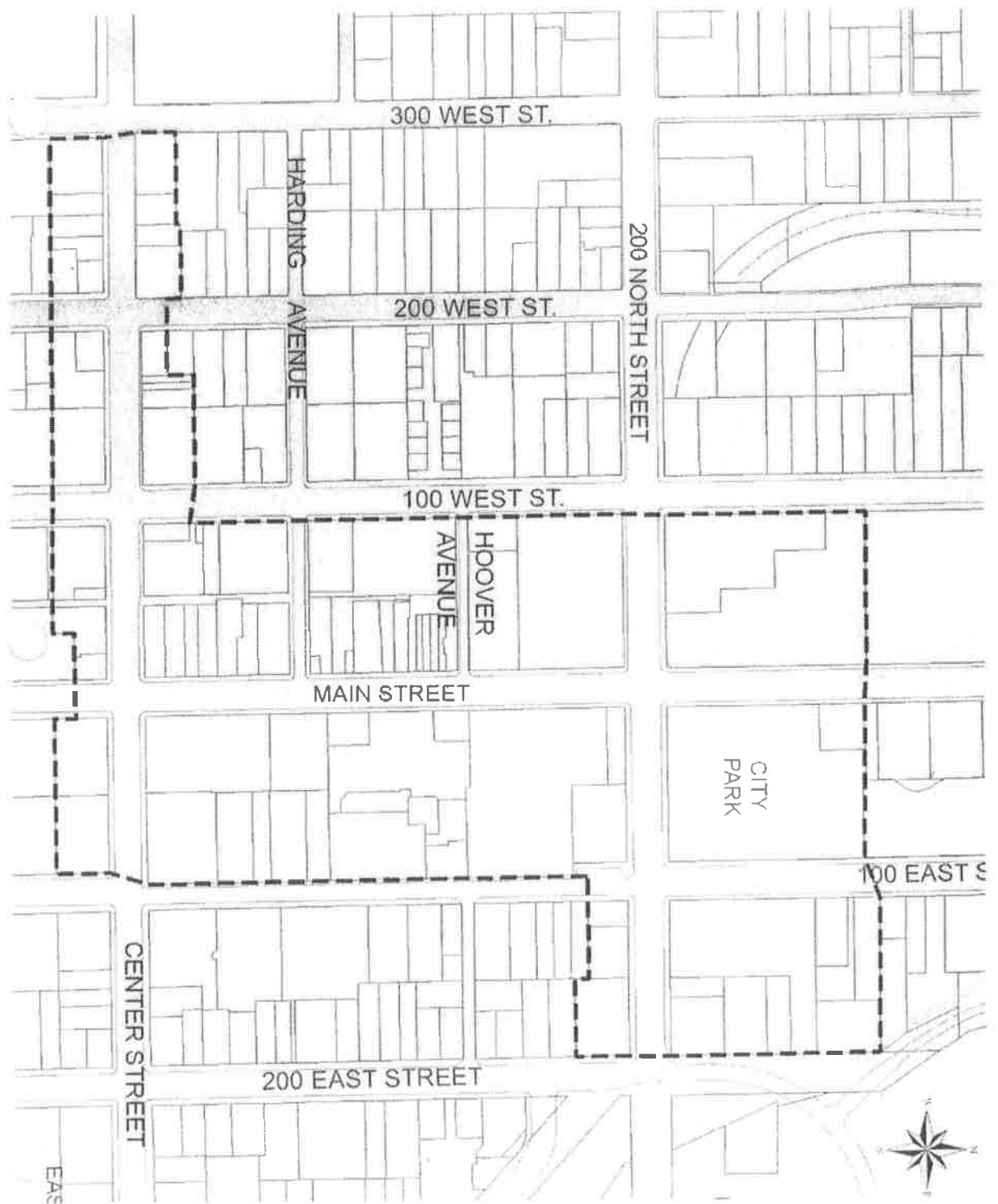


Exhibit D - Historic Downtown Area

BE IT FURTHER ORDAINED BY the City Council of Cedar City, Utah, that City staff is authorized to make such non-substantive changes to the format of the above ordinance as may be reasonably necessary to facilitate the amendments approved herein.

This ordinance, Cedar City Ordinance No. _____, shall become effective immediately upon passage and publication as required by State Law.

Dated this _____ day of _____, 2016.

Maile L. Wilson
Mayor

[Seal]

Attest:

Renon Savage
Recorder

Exhibit # 2

II. Staff Items

PUBLIC HEARING

1- Consider an ordinance amending the City's sign ordinance (Recommendation)

Paul Bittmenn

Rich opened the public hearing on this sign ordinance change.

Paul said the process to amend any ordinance is to come before the Planning Commission for a recommendation then it ends with the City Council. The City Council has the final say on what will be amended.

Paul said that the sign ordinance has tried to define all different types of signs. They also try to regulate where they can and cannot be placed within the City. Despite all their efforts, people still make up new kinds of signs. The one thing that the City Council has been very vocal on lately is the snipe type signs. The old definition was any sign attached to a pole. He gave examples of this. There are others like those that are similar to a campaign sign that stick into the ground.

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Paul quoted the first change, and that is the definition of a snipe sign. See attached. They are targeting this type of sign in these changes. The old ordinance gave them no option to remove. They are now suggesting that they are taken down immediately. They can store them out at public works, notify the owner, have them remove their signs or they are trashed after 7 days. They feel this will speed up the enforcement.

Mary wondered why they had to give them the 7 days; why can't they just take them all down and throw them away. Paul talked about how they are private property and you have to handle private property certain ways. The taking them down, storing, notifying, keeping for 7 days, etc., just seemed cumbersome and would require someone's time to track it all.

Paul said the alternative would be to give them a citation and take them through the court process. They will just notify them to come take their signs or after 7 days they will be tossed.

Hunter made a motion to give a positive recommendation to the City Council for this ordinance change; seconded by Jill and the vote was unanimous.

Paul introduced everyone to the new City Attorney, Tyler Romeril, who started his new position with the City today.

The meeting adjourned at 5:35 p.m.

Michal Adams, Administrative Assistant

Exhibit #3

CEDAR CITY ORDINANCE NO. _____

**AN ORDINANCE AMENDING PROVISIONS OF CEDAR CITY'S SIGN ORDINANCE,
CHAPTER 26 SECTION XVI OF THE ORDINANCES OF CEDAR CITY, UTAH.**

WHEREAS, Cedar City has adopted an ordinance regulating signs within the corporate borders of Cedar City. The Sign ordinance is located in Chapter 26, Section XVI of the Ordinances of Cedar City, Utah; and

WHEREAS, the City's sign ordinance regulates many types of signs including large signs that are mounted on concrete footings, signs attached to sides of buildings, and small signs that are typically stuck in the ground or taped to a utility pole; and

WHEREAS, the City has encountered difficulty related to the enforcement of the City's sign ordinance as it relates to signs that are temporary in nature, often located in the public right of way, and are capable of being removed reasonably quickly; and

WHEREAS, current enforcement procedures require a court order prior to removal of a sign; and

WHEREAS, in an effort to clean up illegal signs, increase the City's ability to quickly enforce the sign ordinance, and provide notice to the sign owner and an opportunity for the sign owner to reclaim his/her property Cedar City has recommended amending the provisions of its sign ordinance; and

WHEREAS, the proposed amendments to the sign ordinance have been presented to the Cedar City Planning Commission during a duly published public meeting on the _____ day of September, 2016, and said Planning Commission gave the proposed amendments a _____ recommendation; and

WHEREAS, Notice of a public hearing before the Cedar City Council was duly published, and the Cedar City held a public hearing to consider the proposed amendments on the ____ day of September, 2016; and

WHEREAS, after due consideration of the public comments, if any, the City Council finds that the proposed amendments are reasonably necessary to establish and maintain sound, stable, and desirable development within Cedar City.

NOW THEREFORE IT IS HEREBY ORDAINED by the City Council of Cedar City, State of Utah that Chapter 26, Section XVI of the Ordinance of Cedar City, Utah, is hereby amended as follows to remove the struck out language and to include the underlined language:

CHAPTER 26
PLANNING AND ZONING
ARTICLE XVI CEDAR CITY SIGN ORDINANCE

SECTION	26-XVI-1.	Introduction & Purpose
SECTION	26-XVI-2.	General Provisions
SECTION	26-XVI-3.	Definitions
SECTION	26-XVI-4.	Prohibited Signs
SECTION	26-XVI-5.	Signs Allowed Without a Permit
SECTION	26-XVI-6.	Signs Requiring A Permit
SECTION	26-XVI-7.	Sign Permit Procedures
SECTION	26-XVI-8.	Signs in Specific Areas
SECTION	26-XVI-9.	Temporary Signs
SECTION	26-XVI-10.	Measurement of Regulated Sign Area
SECTION	26-XVI-11.	Nonconforming Signs
SECTION	26-XVI-12.	Removal of Illegal and Unsafe or Abandoned Signs
SECTION	26-XVI-13.	Exhibits

I. SECTION 26-XVI-1 Introduction & Purpose

Signs are an important aspect of the City. Besides providing identification to commercial and industrial businesses, creative and attractive signs show a community's economic vitality. The proliferation and disrepair of signs can deter their effectiveness, as well as cause dangerous conflicts with traffic-control devices. When abused, signs create a visual blight which detracts from the quality of the environment.

The purpose of the sign ordinance is to manage the use of signs as to be compatible with their surroundings, provide effective identification of business establishments, contribute to the protection and the promotion of the health, safety, and welfare of the traveling public and the citizens of the City, preserve and enhance property values, promote healthy commercial and industrial districts, and to enhance the community's aesthetics by establishing standards and regulations for sign design, location, size, type and compatibility.

SECTION 26-XVI-2 General Provisions

This section shall govern and control the erection, remodeling, enlarging, moving, alteration, operation and maintenance of all signs within all zoning districts. It also provides penalties for violations of this section.

- (1) All signs erected in Cedar City shall comply with the provisions of this ordinance and applicable codes. All sign permit applications shall demonstrate conformance with the provisions of this ordinance and applicable codes. Where required by the Chief Building Official, a permit application shall be accompanied by drawings stamped by an engineer licensed by the State of Utah. Nothing contained in this section shall be deemed a

waiver or variance of the provisions of any other articles or sections in this code applicable to signs. Signs located in areas governed by several articles or sections of this code shall comply with all such articles and/or sections. In the case of contradicting requirements or provisions, the more restrictive shall apply.

- (2) All signs must be built of durable and permanent materials. Permanent power sources for signs must be concealed underground away from public view. No sign, fixture or device involving electrical wiring or connections shall be erected or installed except by a contractor licensed in the State of Utah.
- (3) No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the applicable codes.
- (4) The Building Inspector shall inspect, as deemed necessary, signs, regulated by this Chapter to ascertain whether the signs have been adequately installed and adequately maintained. Every sign shall be kept in complete operating condition. The landscaped area in which any sign is placed shall be kept free from weeds, garbage and debris. "Maintenance" includes repair of facades where signs have been removed, the painting, cleaning and repairing of signs. Upon discovery of a sign in need of maintenance, the Building Department shall give written notice to the owner stating the item(s) of needing repair or maintenance. The owner shall have thirty (30) calendar days to make repairs before legal action may be taken.
- (5) Failure to abide by and faithfully comply with any and all terms and conditions that may be attached to the granting of any sign permit or variance shall constitute grounds for the revocation of such permit by the Building Department. All remedies provided for in this ordinance shall be cumulative and not exclusive.

SECTION 26-XVI-3 Definitions

(1) A-frame signs: "A-frame sign" means a temporary and/or movable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.

(2) Abandoned sign: Any sign applicable to a use which has been discontinued for a period of 30 days.

(3) Alterations: Change or rearrangement in the structural parts or design of the sign, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another adding or deleting words from the copy or changing the size of the letters or figures comprising the copy.

(4) Area of sign: Includes the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no perimeter or border shall be computed by enclosing the

entire area within the smallest primary shape possible and calculating the area of that shape.

(5) Animated sign: Sign which involves motion or rotation of any part by mechanical or artificial means or displays flashing or intermittent lights excluding; time, temperature, electronic display screens and electronic message centers.

(6) Awning: Roofed structure constructed of fabric or metal placed so as to extend outward from the building providing a protective shield for doors, windows and other openings with supports extending back to the building, supported entirely by the building.

(7) Banner: Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. Flags shall not be considered banners.

(8) Billboard sign: An off-premise, free-standing outdoor advertising sign.

(9) Building face or wall: All window, door and wall area of a building in one plane or elevation.

(10) Building marker: Any sign indicating the name of a building, date and incidental information about its construction, which is cut into a masonry surface or made of bronze or other permanent material.

(11) Canopy: A roofed structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building. A canopy may also be separated from the primary structure.

(12) Changeable copy sign or changeable letter panel: A sign which is characterized by changeable copy, whether said sign is a freestanding or wall sign, or whether said sign projects from and is supported by the building.

(13) Directional sign (guide signs): Signs which serve as directional guides to recognize areas of regional importance and patronage. To clarify, three (3) types of areas are intended to be included: 1) Recreational and entertainment centers of recognized regional significance; 2) Major sports stadiums, entertainment centers or convention centers; and, 3) Schools, emergency services, churches; 4) Historic landmarks.

(14) Electronic display screen: Any sign or portion of a sign that displays an electronic image or video, which may or may not include text. This definition includes, but is not limited to, television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

(15) Electronic message center: A mechanism or device which uses a combination of lights or lighted panels which are controlled electrically and electronically to produce words, symbols or messages which may travel, or remain stationary within a given panel.

(16) Flag: Any fabric, or bunting containing distinctive colors, patterns or symbols.

(17) Flat Sign: A sign erected parallel to and attached to the outside wall of a building and extending not more than twelve inches (12") from such a wall with messages or copy on the face side only.

(18) Free standing sign: A sign which is supported by one or more uprights or braces which are fastened to, or embedded in the ground or a foundation in the ground. Free-standing signs may refer to permanent (i.e. on-premise advertising ground signs) or temporary signs (i.e. project identification or real estate signs).

(19) Graffiti: Any form of unauthorized printing, writing, spraying, scratching, affixing, or inscribing on the property of another regardless of the content or nature of the material used.

(20) Height of sign: The vertical distance measured from the curb to the top of the sign, including the air space between the curb and the sign.

(21) Hours of operation sign: A sign which displays the hours of operation, including "open" and "closed" signs.

(22) Identification sign: A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses on the premises, i.e. schools, churches, hospitals, etc.

(23) Illuminated sign: A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign proper.

(24) Interior sign: A sign located within a building so as to be visible from inside the building in which the sign is located.

(25) Marquee: A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

(26) Marquee sign: Any sign attached to and made a part of a marquee.

(27) Master identification sign: A sign which identifies only the name and/or logo and/or address of a commercial or industrial complex, the owner and tenants thereof.

(28) Mobile or portable sign: A sign not permanently attached to the ground or other

permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T- frames; balloons used as signs painted on vehicles parked and visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business.

(29) Monument sign: A freestanding sign whose face extends vertically from the curb.

(30) Non-conforming signs: Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Code.

(31) Off-premise sign: An advertising sign which directs attention to a use, product, commodity or service not related to the premises.

(32) On-premise or business identification sign: A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted on the premises upon which the sign is located, or to which it is affixed.

(33) Owner: The entity that holds legal possession of a sign, or the owner of the property on which the sign is located.

(34) Pedestal sign: A temporary and movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

(35) Pennant Line: A line suspended in the air with multi-color pennants or hanging strips of material.

(36) Planned Commercial Center: A commercial location where two or more businesses are located in one or more main buildings with recorded shared access and parking easements.

(37) Projecting sign: A sign attached to a building or other structure and extending in whole or in part more than eight (8) inches beyond any wall of the building structure.

(38) Public property: Any property owned or used by a governmental agency.

(39) Roof sign, integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

(40) Sign: A sign shall mean and include every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion

of the interest of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers. This definition does not include any flag

(41) Sign frontage: The length in feet of the ground floor level of a building front or side facing a street that is occupied by an individual business.

(42) Signage plan: A plan designed to show the relationship of signs for any cluster of buildings or any single building housing a number of users or in any arrangement of buildings or shops which constitute a visual entity as a whole.

(43) Snipe sign: ~~A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, or service pole~~ A sign not otherwise defined herein, typically made of non-durable or semi durable material mounted, by any means, to a tree, utility pole, the ground, or other infrastructure within a public right of way, including public strips and medians, or on public property. Snipe signs located on public facilities, utility poles, trees, or within the public right of way are a nuisance and constitute litter.

(44) Special purpose sign: Sign of a temporary nature other than those established by a business; for the purpose of advertising a special event pertaining to drives or events of a civic, philanthropic, cultural, educational, sporting events, concerts or religious organization.

(45) Street decorations: Pennants, flags, banners, lights and signs that are temporary and promote community festivals, events, activities and gatherings.

(46) Structure: The supports, footings, uprights, bracing, guy rods, cables, and framework of a sign or outdoor display.

(47) Suspended sign: A sign that is suspended from the underside of a horizontal plane surface (such as the underside of a balcony or canopy) and is supported by such surface.

(48) Subdivision or project entrance sign: An identification sign located at the entrance to a residential or commercial development.

(49) Temporary sign: A sign which is intended for use during a specified limited time. Temporary signs, as defined by this ordinance shall include real estate signs and construction signs.

(50) Wall signs: A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building, or fence and extending not more than twelve inches (12") from the wall. The area of a wall is determined by the height and width of the wall structure without consideration of the non-structural components attached to the wall.

(51) Wall murals: Murals which are purely decorative in nature and content, and do not include advertising by picture or verbal message are exempt from sign regulation.

(52) Window sign: A sign installed upon or within one foot of a window for the purpose of viewing from outside of the premises. This term does not include merchandise displayed.

(53) Zone districts. Refers to land use regulatory zones under the zoning ordinance of Cedar City.

(54) Zone lot: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

Amended by Cedar City Ordinance No. _____.

SECTION 26-XVI-4 Prohibited Signs

The following signs are prohibited:

(1) A-frame signs not addressed in Section (9 - Temporary Signs)

(2) Animated signs.

(3) Banners. All banners except those expressly permitted under this code. (Temporary Signs).

(4) Flashing signs or lights. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Flashing light sources are prohibited. Electronic message centers are allowed.

(5) Graffiti.

(6) Hazardous signs. No sign shall be erected or maintained which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety and welfare of any person or property.

(7) Inflatable signs or displays. Any inflatable object used for signage or promotional purposes except as permitted by this ordinance for a grand opening or special promotion.

(8) Off-premise signs. Off-premise signs are not allowed, except billboards, planned commercial center signs and street decorations as described in this ordinance.

(9) Signs creating traffic hazards. No sign shall be erected at or near any public street or the intersection of any streets or on any curb, sidewalk, hydrant, bridge, in such a manner to create a traffic hazard by obstructing vision or at any location where it would interfere with, obstruct the view of, or be confused with any authorized traffic sign.

(10) Signs resembling traffic signs or signals. No sign shall be constructed, erected, or maintained which purports to be or resembles an official traffic sign or signal except those signs

(11) Snipe signs

(12) Spotlights directed into the night sky except as part of an approved promotional period for temporary signs.

(13) Wind signs. Any propeller, whirling, or similar device which is designed to flutter, rotate, or display other movement under the influence of the wind. Pennant signs, street decorations and wind signs on residential property that do not advertise commerce shall be allowed.

(14) Obscene Signs. Signs that exhibit words or pictures or an obscene nature.

SECTION 26-XVI-5 Signs Allowed Without a Permit

(1) The following signs are permitted within the City subject to the limitations and requirements, as noted, and the standards described in this ordinance. Sign permits are not required for these signs unless the limitations and requirements of this section cannot be met. In such cases, a sign permit is required. Exempt signs shall only be illuminated by indirect lighting, except, as specifically allowed otherwise within this section, and shall not be included in the limitation on the number of signs allowed per parcel nor shall they be included in the computation of aggregate permitted sign area unless otherwise stated in this section.

(a) Apartment, hotel, or motel sign: One vacancy and/or no vacancy sign, which shall not exceed four (4) square feet in area. Such sign may be internally illuminated.

(b) Building interior sign: Any sign located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which is designed and located to be viewed by patrons. Such sign may be illuminated.

(c) Directional or Instructional sign: A sign which provides direction or instruction and is located entirely on-premise and which does not in any way advertise a business and shall not exceed six (6) square feet in area. These signs may identify restrooms, public telephones, walkways and parking directions.

(d) Display sign: A sign within a showcase or storefront and, if directly illuminated, shall conform to this ordinance.

(e) Flag: Flags, emblems or insignia of any nation, or political subdivision may be displayed in a manner whereby it is not construed as an attraction-gaining device for the advertising of a product or use. Such a flag shall not be flown from a pole the top of which is more than 40 feet in height. A corporation flag, limited to one (1) flag per parcel of land, when flown in conjunction with the State or National flag.

(f) Gasoline price signs: One double-faced sign including each type of fuel sold is permitted. The area of the sign may not exceed 16 square feet. One additional gasoline price sign is permitted if the property has more than three hundred feet (300') of lineal street frontage on a dedicated public street

(g) Home occupation sign or nameplate: Such sign shall not exceed 1.5 square feet in area denoting only the name and profession of an occupant on the premise where the sign is placed.

(h) Integral sign: A sign indicating the name(s) of a building, dates of erection, monumental citation, commemorative tablets and the like, and made an integral part of the structure. Such shall not exceed ten (10) square feet in area, and shall be carved into stone, concrete, or similar material or made of metal, bronze, aluminum, or other permanent type construction material.

(i) Menu sign for drive-thru and dine-in restaurants shall not be designed to be read from the public right-of-way nor to attract attention to the site from the right-of-way. Such sign may be illuminated.

(j) New business signs: may be banners for up to eight weeks pending permanent sign (see Temporary Sign section).

(k) No trespassing sign: Such sign regulating the use of property such as no hunting, no fishing, etc., and shall be no more than two (2) square feet.

(l) On-premise, individual lot development signs: Individual lots may have signs identifying businesses developing the lot. The signs shall not be erected prior to issuance of a valid building permit and must be removed before final occupancy. Signage shall not exceed one hundred (100) square feet, with the height not to exceed ten (10) feet.

(m) On-premise, subdivisions and commercial construction development signs: Subdivisions and commercial construction sites may have promotional signs placed on the premises. The maximum size of any sign shall be ninety-six (96) square feet with the height not to exceed twelve (12) feet. The total square footage of all signs shall not exceed one hundred-forty (140) square feet. The signs shall not be erected prior to the approval of the subdivision or construction by the City and shall be removed within 5 years of issuance of the first building permit, occupancy or upon sale of the last lot, whichever comes first.

(n) Political Signs.

(o) Public sign: A sign of a noncommercial nature and in the public interest, installed by, or on the order of, a unit of government, such as but not limited to a safety sign, danger sign, trespassing sign, traffic sign, memorial plaque, sign of historical interest, information sign or, a sign of public utility agencies or a construction contractor serving as a directional or safety aid, street sign, road work sign, etc.

(p) Real estate sign (individual lots): In residential zones, the sign area shall not exceed six square feet and shall not exceed six feet in overall height. In commercial and industrial zones, the sign area shall not exceed thirty-two (32) square feet and shall not exceed eight (8) feet in overall height. Off-premise, directional signs shall be permitted for special promotional events that are temporary in nature, (i.e parade of homes).

(q) Vehicle signs: Signs painted or attached directly on vehicles advertising the business establishment using the vehicle, in the normal course of business and not as off-premise advertising.

(r) Window sign: Shall be affixed to the window or window frame. Multiple window signs shall be permitted but the total area of all window signs shall not cover more than twenty-five percent (25%) of the window area upon which it is placed.

(B) SECTION 26-XVI-6 Signs Requiring A Permit

(1) Monument Signs. The use of monument signs is encouraged. The following shall apply:

(a) Monument signs are allowed for any size parcel provided that the parcel has a minimum thirty (30) feet of frontage. The sign area allowed is determined by the amount of street frontage along which the sign is to be placed and shall be determined with the ratio of one (1) square foot of sign area for each foot of lineal frontage, beginning with 30 square feet and shall not to exceed two hundred (200) square feet. Multiple monument signs may be used along a street frontage as long as the combined area of the signs does not exceed two hundred (200) square feet. However, signs must be separated by at least 100 feet as measured along the street frontage.

(b) Monument signs must have at least a one foot pedestal. The height to the top of the sign shall not exceed twenty (20) feet as measured from the base of the sign at curb level. Monument signs shall be behind the street right-of-way and shall be placed a minimum of fifteen (15) feet from a driveway and thirty (30) feet from a corner lot line so as not to impede the view of traffic.

(c) No monument sign shall be more than three (3) feet in height if it is erected at any vehicular traffic intersection within a triangular area formed by the intersection of straight lines extended from the back of curb and a line connecting them at points 30 feet from the

intersection.

(2) On-Premise Freestanding signs. When using a freestanding sign, the following shall apply:

(a) One free standing sign is permitted. Sign area shall not exceed one hundred (100) square feet. In cases where the street frontages exceed one hundred (100) lineal feet, the sign area may increase at the ratio of one (1) square foot of sign area for each additional one (1) lineal foot of frontage, not to exceed two (200) square feet. Sign height shall not exceed thirty (30) feet. Free standing signs shall not extend over the street right of way. One additional on premise freestanding sign is permitted if the property has more than three hundred feet (300') of lineal street frontage on a dedicated public street. The additional sign shall not be higher than seventy percent (70%) of the first sign and shall be at least one hundred feet (100') apart.

(b) Reader boards, changeable copy areas, gasoline price signs, electronic message centers and electronic display screens are allowed and shall be considered as a portion of the total sign copy area.

(c) Freestanding signs shall not extend over any pedestrian or vehicular access. Free standing sign bases shall not obstruct the view of vehicular traffic at intersections.

(d) Interstate 15 Interchanges Areas. (Areas defined in Section 13 Exhibits). On parcels located within the Interstate 15 areas, signs may have a height not greater than fifty (50) feet above the nearest travel way (traffic lane) of Interstate 15. Sign area shall not exceed two hundred (200) square feet. In cases where the street frontages exceed one hundred (100) lineal feet, the sign area may increase at the ratio of one (1) square foot of sign area for each additional foot of frontage, not to exceed three (300) square feet.

(3) Wall Signs. Wall signs are encouraged as the primary form of identification for business uses in the City.

(a) Signs may not occupy more than twenty percent (20%) of the face of the front wall to which they are attached, nor more than fifteen percent (15%) on the face of a side or rear wall. If a sloping facade or roof exists, the signs may not exceed twenty percent (20%) of the face of the front wall to which they are attached, nor more than fifteen percent (15%) on the face of a side or rear wall.

(b) Wall signs on sloping roofs shall be erected so as to appear as a sign applied to a similarly vertical wall surface and finished in such a manner that the visual appearance from all sides is such that they appear to be part of the building. All such signs shall be installed or erected so there is no visual support structure such as guy wires or braces.

(c) No part of any wall sign or of the sign structure shall project above or below the highest or lowest part of the wall upon which the sign is mounted or painted.

(d) No wall sign, including any light box or structural part, shall project more than twelve (12) inches from the face of the building to which it is attached.

(e) Projecting signs are permitted if they are not more than four (4) feet from the wall, not more than ten (10) square feet in area, and not lower than ten (10) feet above the sidewalk.

(4) Billboard Signs. Billboard signs are allowed only along the I-15 freeway corridor. The following shall apply:

(a) Billboard signs shall be allowed only on property adjacent to and fronting I-15 or I-15 frontage roads and on property zoned industrial. These signs must be oriented for freeway viewing only and located within 100 feet of the freeway right of way.

(b) Maximum area of one side of a sign (whether single or double faced) shall be 675 square feet, with the face not exceeding forty-eight (48) feet in length or fourteen (14) feet in height.

(c) Embellishments shall be permitted but the total area of the embellishments shall not exceed ten percent (10%) of the total permitted sign area. Embellishments may extend above and outward from the billboard but may not extend below the billboard.

(d) Maximum height of signs shall be thirty (30) feet above the most adjacent grade of the traveled way of the Interstate. Embellishments may extend above the maximum height, but may not extend more than five feet (5') above the height of the billboard.

(e) No sign shall be erected within 1,000 feet of another existing billboard sign. No sign shall be erected within two hundred (200) feet of a residential zone.

(f) Lighting shall be designed to light only the sign and not neighboring property.

(5) Suspended Signs. Suspended signs may be used in place of wall signs. The following shall apply:

(a) Any sign may not exceed 15% of the flat wall of the tenant space.

(b) No sign may project beyond the outside limit of the marquee, canopy or facade to which it is attached.

(c) Any sign must have at least a ten (10) foot clearance above the sidewalk or any landscaped area.

(6) Awning Signs. Awning signs are allowed. The following shall apply:

(a) Awning signs shall be limited to single story buildings or to the first level only of multistory buildings.

(b) The area of awning signs shall be a maximum of 15% of the primary wall upon which the awning is attached.

(c) Awning signs shall not project above the roof line, defined as the highest part of the vertical wall.

(d) Awning signs shall maintain a minimum clearance of 7 feet to the bottom of the valance and 8 feet to the frame above the sidewalk and comply with all other clearance requirements.

(7) Canopies. Signs for canopies not connected to the primary structure over gas islands are allowed. The following shall apply:

(a) Sign copy, corporate logos, etc. may be a maximum of fifty percent (50 %) of each face used for signage.

(b) Up to 3 sides of the canopy may be used for signs.

(c) Canopies may not exceed twenty (20) feet from grade and no canopy fascia shall exceed four (4) feet in height.

(d) Individual letters, logos, or symbols may not exceed three (3) feet in height or project out from the surface of the canopy more than eight (8) inches or project above or below the canopy face.

(8) Planned Commercial Centers:

(a) Where businesses are located in a planned commercial center, monument and freestanding signs are limited to one sign per commercial area. That sign shall be for the purpose of identifying all businesses within the planned commercial center and shall have a maximum area of one hundred (100) square feet. In cases where the lineal street frontage exceeds one hundred (100) square feet, the sign area may increase at the ratio of one (1) square foot of sign area for each additional foot of frontage, not to exceed two hundred (200) square feet. One additional monument or freestanding sign in a planned commercial center is permitted if the planned commercial center has more than three hundred feet (300') of lineal street frontage on a dedicated public street. The additional sign shall not be higher than seventy percent (70%) of the first sign and shall be at least one hundred feet (100') apart.

(b) Planned Commercial Center signs may be off-premise signs if the sign is located on the property of one of the businesses in the Planned Commercial Center or property

jointly owned by the Planned Business Center.

SECTION 26-XVI-7 Sign Permit Procedures

(1) No person shall erect, install, replace or repair any sign requiring a permit, whether it be temporary or permanent in nature, without obtaining a sign permit from the Building Department, except as outlined in this ordinance. This includes new signs, signs to be added to existing buildings or uses, and existing signs that are to be enlarged, changed in sign structures or a change in business identification. When new buildings or developments are presented for Project Review, signs for the development shall be reviewed concurrently.

(2) Required Permit Information. An application for a sign permit and site plan will be reviewed by the Building Department and shall be accompanied by the following:

(a) Monument, Freestanding and Billboard Signs. A site plan indicating all existing and proposed signs on the site, including the relationship of sign(s) to buildings, property lines, setbacks from public rights-of-way, intersections, easements and driveways. The plan shall also include sign elevation indicating height, overall dimensions, colors, materials, proposed copy and illumination specifications. Details of sign construction including electrical plan, foundation design and property frontage shall also be included.

(b) Wall, Suspended, Awning and Canopy Signs Applications shall include drawings showing the square foot dimensions of the building and the sign and how the sign will

appear on the building from the street or parking area, and details of sign construction and any electrical plans.

(c) Temporary Signs. A site plan indicating all existing and proposed signs on the site, including the relationship of sign(s) to buildings, property lines, setbacks from public rights-of-way, intersections, easements and driveways. The proposed time period for display shall be included.

SECTION 26-XVI-8 Signs in Specific Areas

(1) Because of the unique character and special standards and/or requirements of certain areas, signs within these areas shall also have specific sign standards set forth below.

(2) Historic Downtown Area. (Area defined in Section 13 Exhibits).

(a) The overall facade composition, including ornamental details and signs shall be coordinated. Signs shall be proportional to the building, such that they do not dominate the appearance. In no case shall a sign obscure the architectural features or details of the building. Simple letter styles and graphic designs are more appropriate.

(b) Flush mounted wall signs are preferred. Flush mounted wall signs may not exceed

twenty percent (20%) of the face of the wall to which they are attached.

(c) Projecting signs are permitted if they are not more than three (3) feet from the wall, not more than eight (8) square feet in area, and not lower than eight (8) feet above the sidewalk.

(d) Window signs may be painted or hung from inside but should not obstruct the view.

(e) Monument signs may be permitted on lots having set-back space.

(f) Awning signs are permitted. Awning colors shall be compatible with historic theme, which includes, but are not limited to, maroon, forest green, navy blue. Lettering shall be in scale and placed on the valance portion of the awning.

(g) Suspended signs are permitted. No suspended sign may project beyond the outside limit of the marquee, canopy or facade to which it is attached. Suspended signs shall not be lower than eight (8) feet above the sidewalk and shall be made of wood, metal or heavy canvas. Wood and metal suspended signs shall be three (3) dimensional or routed. The total square footage of all suspended signs shall apply to the maximum allowable square footage for flush mounted wall signs as stated in Section 8-2-b.

(h) Sign materials shall be compatible with building facade. Signs shall be three (3) dimensional or routed and made of wood and metal.

(i) Simple sign designs are preferred. Symbols and simple type faces that are in keeping with the historic are preferred. Lettering shall not exceed twenty-four inches in height.

(j) Lighting design shall enhance the entire building. Sign lighting shall not overwhelm the architectural features of the building. Light shall be directed at the sign from an external source. Internal illumination is not permitted, except for theatre marquees. All sign plans shall be reviewed by the Downtown Architectural Review Committee.

SECTION 26-XVI-9 Temporary Signs

(1) A temporary sign is one which is intended for use during a specified, limited time as determined by the City Building Official. Temporary signs shall not be placed in or over the public right-of-way or on telephone poles, fences, or trees or cause a public nuisance of any kind. They must be firmly secured to the building or ground. Temporary signs may be attached to existing permanent signs. Temporary signs may cover or obscure an existing permanent sign only if the business has changed hands or changed names. No off-premise signs are allowed except those specifically noted and regulated for real estate purposes or otherwise noted in the ordinance.

(2) Temporary signs requiring a permit.

(a) **Directional signs for Subdivisions/PUDs.** These signs need written permission of

the property owner presented to the Building Official before they are erected.

(I.) Three (3) directional signs are allowed for a developer to guide traffic to the site and should contain only the name, address, and direction of the development. They are limited to twenty-four (24) square feet in area and six (6) feet in height and must be placed entirely upon private property and ten (10) feet from the street right-of-way.

(ii) Such signs shall be removed within six (6) months of final plat approval of the project or immediately upon the sale of the last lot, whichever comes first.

(b) Going Out of Business. A business may apply for a special permit in order to facilitate the liquidation of inventory for a closing business for a period not to exceed 90 calendar days. Such a permit will be allowed only once for any business license. A banner or portable sign is allowed during this period.

(c) A-frame sign. A sign which does not exceed six square feet per side and is not more than forty-two inches (42") high. There may be one sign A-frame per business and the sign must be located adjacent to business, on premise.

(3) Temporary signs allowed without a permit

(a) Holiday periods. A business may advertise a special service, product or sale during holiday periods without a permit:

(b) Religious functions may advertise the function no longer than five (5) days before the event.

(c) Grand opening signs. Temporary signs announcing the initial opening of a business, or the relocation, or change of ownership of an existing business may be allowed provided that the event shall not continue for more than thirty (30) days and that the sign is erected within the first year of operation. There shall be no more than two (2) signs allowed per business. Banners and portable signs may be permitted. Signs must comply with size and location standards.

(d) Special promotion periods. A business may hold a monthly special promotion periods Each period may not exceed thirty (30) days in length. A banner, portable, or inflatable sign is allowed during this time.

SECTION 26-XVI-10 Measurement of Regulated Sign Area

(1) Monument Signs. The measurement area of a monument sign shall include all parts of the sign or structure that contains identification (words and symbols) and information. The height of a monument sign shall be the distance from the highest point of the sign to the height of the street curb or sidewalk.

(2) Freestanding Signs. The measurement area of a freestanding sign shall include all parts of the sign or structure that contains identification (words and symbols) and information. The height of a freestanding sign shall be the distance from the highest point of the sign to the base at ground level of the sign.

(3) Wall Signs. Sign copy mounted or painted on a background panel or area distinctly painted, textured or constructed as a background for the sign copy shall be measured as area contained with the outside dimensions of the background panel or surface. Any illuminated bands or illuminated structures which contain sign copy, corporate logos, etc. are by definition wall signs in their entirety and as such may not exceed twenty percent (20%) of the face of the front wall to which they are attached, nor more than fifteen percent (15%) on the face of a side or rear wall

(a) For sign copy mounted as individual letters and/or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, the area shall be defined as the area enclosed by the smallest single rectangle that will enclose all sign area.

(b) For sign copy on an illuminated sign or illuminated architectural element of a building, the entire illuminated surface or illuminated architectural element which contains sign copy shall be counted as sign area.

(4) Multiple Face Signs

(a) **Single Panel** - Measure the area of the single face only.

(b) **Double panel** - If the interior angle between the two faces is 45 degrees or less, the area to be measured will be the area of one face only. If the angle between the two sign faces is greater than 45 degrees, the sign area to be measured shall include the sum of the area of the two faces.

(c) **Three or More** - The sign area shall be the sum of the areas of the three or more faces.

SECTION 26-XVI-11 Nonconforming Signs

(1) Existing Signs. For any sign existing in the City on (The effective date of the ordinance), the Building Department will determine if the sign is conforming or non-conforming according to this ordinance and issue a notice to the owner.

Alterations: A nonconforming sign shall not be raised, moved, replaced, extended or enlarged unless said sign is changed so as to conform to all provisions of this chapter. Alterations shall also mean the changing of the text of the sign when there is a major change in the use of the property. A major change in use occurs whenever the use changes from one of the following land use categories to another: office, retail, food/restaurant service, personal service, entertainment, lodging, repairs, institutional, public utility, manufacturing, and warehouse uses.

Any major change in use requires any affected nonconforming sign to conform to all the provisions of this chapter. Alterations shall not be interpreted to include changing the text of a marquee.

Restoration: Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, collision or any other cause beyond the control of the owner, to the extent of more than sixty percent (60%) of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter or shall be removed.

Maintenance of Legal Nonconforming Signs: Nonconforming signs shall be required to comply with the requirements of this chapter when any change, other than normal maintenance, is made to the sign.

SECTION 26-XVI-12 Removal of Illegal and Unsafe or Abandoned Signs

(3) Abatement or removal of signs.

(c) **Snipe Signs.** ~~If a Code Enforcement Officer, or designee, sees a snipe sign he/she shall treat the snipe sign as litter, remove the sign and deposit the sign in the trash. Placement of a snipe sign on public property or within the public right of way is littering and may be punishable as a class C misdemeanor and carry a fine of not less than \$100 for each violation. If a Code Enforcement Officer, or designee, sees a sign that is unlawful and is of such a size, structure, and nature that its immediate abatement is possible, then the Code Enforcement Officer shall remove the illegal sign. Examples of signs that may be reasonable capable of being immediately abated include, but are not limited to, snipe signs. The Code Enforcement Officer, or designee, shall provide the owner of the sign notice that the sign has been removed. Written notice is preferred, but verbal notice is acceptable. The sign owner shall have seven (7) days to retrieve his/her sign. If the sign is unclaimed after seven (7) days the City may dispose of the sign.~~

(d) **Signs not reasonably capable of being immediately abated.** If, upon inspection, the ~~Building Official~~ a Code Enforcement Officer, or a designee, determines a sign, or awning to be unsafe, dangerous, non-maintained, or abandoned, the ~~Building Official~~ Code Enforcement Officer, or a designee, may issue a written order to the owner of the sign stating the nature of the violation and requesting them to repair or remove the sign within fourteen (14) calendar days after receipt of notice from the City. In cases of emergency, the Building Official may cause, at the owners expense, the immediate removal of dangerous or defective signs. Signs removed in this manner must present an imminent hazard to the public safety.

(2) Any person who hangs, posts, or installs a sign which requires a permit under this Ordinance, and who fails to obtain a sign permit before installing the sign, shall be guilty of an infraction, fined accordingly and ordered, in writing, to remove the sign within fourteen (14) days.

- (4) After obtaining a court order, the ~~Building Official~~ Code Enforcement Officer, or designee, may cause the removal of an illegal sign. The cost to remove the sign shall be billable to the owner, or subject to a restitution order from the court. ~~or for failure to comply with the written orders of removal or repair at owner's expense.~~

Amended by Cedar City Ordinance No. _____.

SECTION 26-XVI-13. Exhibits

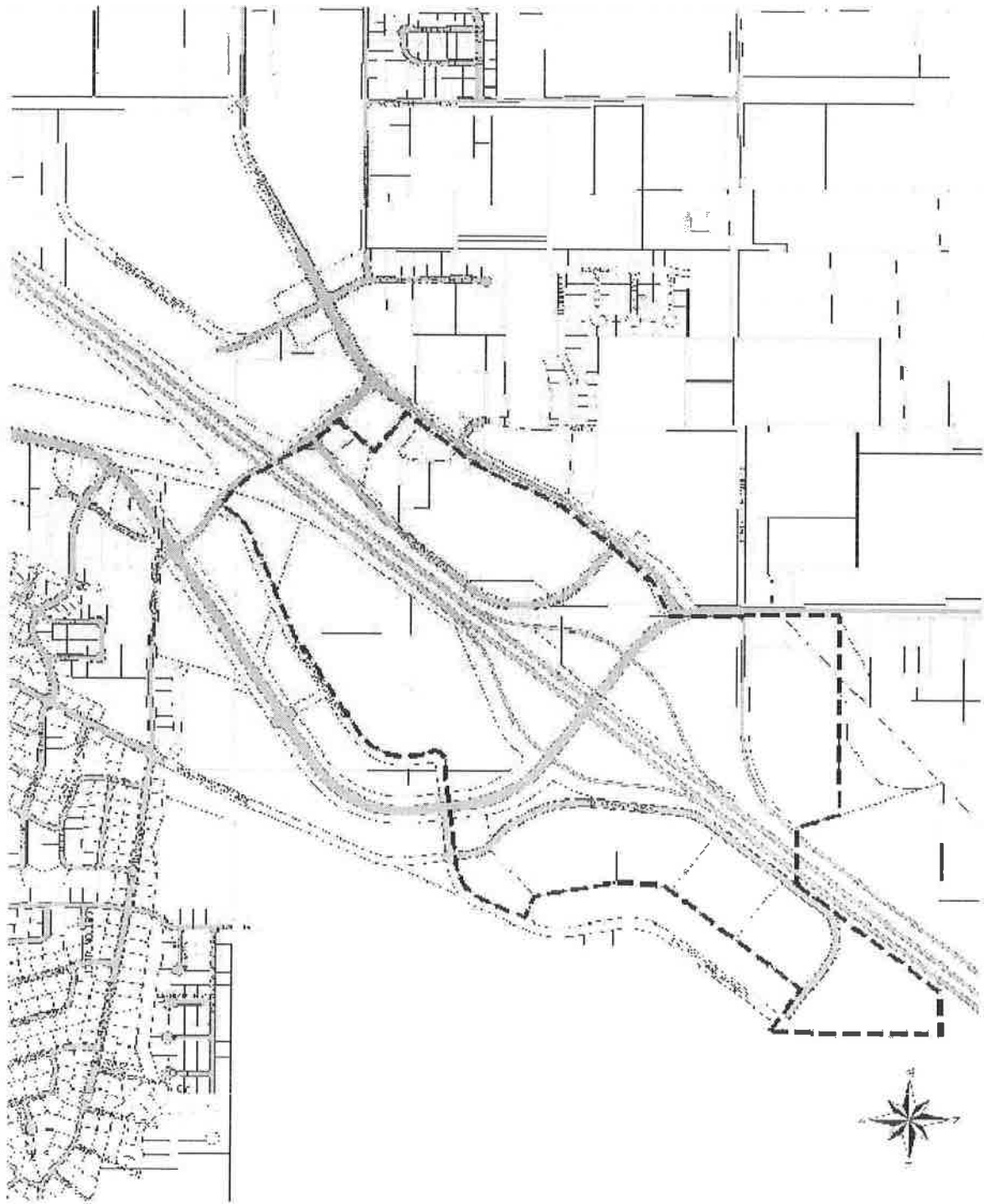


Exhibit A - North Interchange

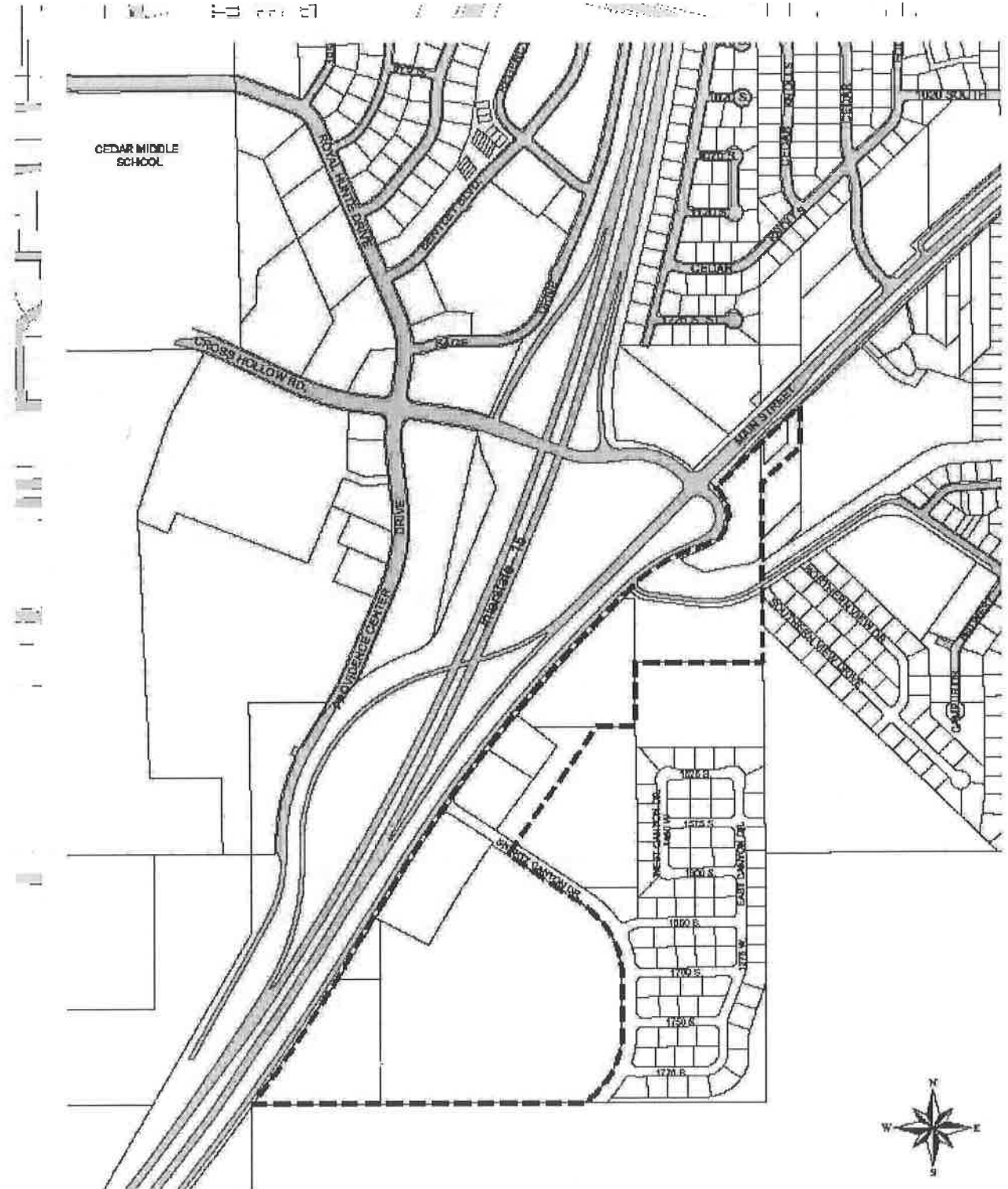


Exhibit C - South Interchange

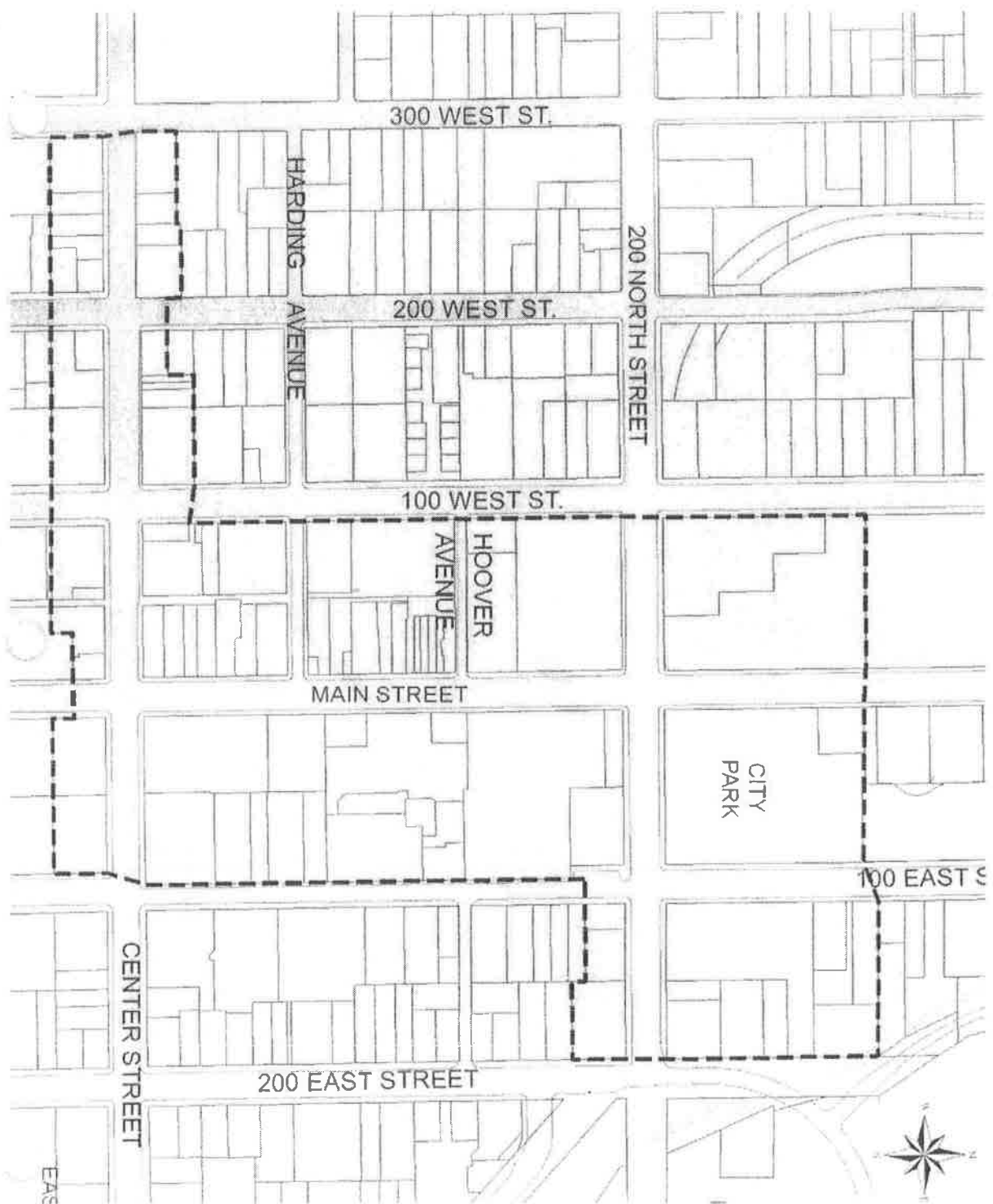


Exhibit D - Historic Downtown Area

BE IT FURTHER ORDAINED BY the City Council of Cedar City, Utah, that City staff is authorized to make such non-substantive changes to the format of the above ordinance as may be reasonably necessary to facilitate the amendments approved herein.

This ordinance, Cedar City Ordinance No. _____, shall become effective immediately upon passage and publication as required by State Law.

Dated this _____ day of _____, 2016.

Maile L. Wilson
Mayor

[Seal]

Attest:

Renon Savage
Recorder

CEDAR CITY COUNCIL
AGENDA ITEMS - 7
DECISION PAPER

TO: Mayor and City Council

FROM: City Manager

DATE: September 30, 2016

SUBJECT: Impact Fees, 15% reduction

DISCUSSION:

In 2011 Cedar City adopted a new set of impact fees. One of the findings made by the council in 2011 was, "growth and development activities in Cedar City will create additional demands on its public facilities. The required improvement to the City's public facilities, which are analyzed in the Impact Fee Facilities Plan and the Impact Fee Analysis, are the direct result of additional public facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the public facilities needed to serve the growth and development activity".

This finding is one of the central ideas behind impact fees. With new growth comes additional cost for public facilities. A proportion of the additional cost should be picked up by new growth and not by the existing population.

In order to adopt impact fees, the City is required to conduct an impact fee analysis and an impact fee facility plan. In 2011 the City wanted to have a new analysis and facility plan prepared. The City hired Wikstrom Economic and Planning Consultants, Inc. The entire analysis and facilities plan is 110 pages so it is not included herein. I have it in a PDF so I can provide it to you upon request. It will demonstrate to you the type of information that is considered when considering impact fees.

At the end of the Wikstrom study and plan impact fees that were justified by the plan were proposed and adopted by the City Council, please see the table found in exhibit "A" for the fees that were adopted.

When the Council adopted the 2011 impact fees the Council also adopted a provision providing for a temporary reduction to the adopted impact fees of 15%. My recollection is the 15% reduction was considered and adopted based on the state of the economy during 2011. If you recall in 2011, the economy had been on a downward trend for some time, and the downward trend would arguably continue for some period of time after 2011. The temporary impact fee reduction was set to sunset in one (1) year. Prior to its expiration of the 15% reduction the Council extended the 15% reduction until November 5, 2014, and then again until November 5, 2016. Please see Exhibit "B".

As you can see from Exhibit "B" the 15% reduction is set to sunset next month. The issue before the Council is to discuss the fate of the 15% reduction. If the Council takes no action the 15% reduction will expire on November 5, 2016, and the fees will automatically adjust to the amounts approved in the Wikstrom study. If the Council would like to extend the 15% reduction staff can prepare the appropriate ordinance for consideration during the action meeting. If the Council would like to extend the 15% reduction, please give staff some direction as to how long.

Exhibit “A”

	Residential Single-Family (Per Dwelling Unit)	Multi-Family (Per Dwelling Unit)	Agriculture (Per Acre)	Non- Residential Commercial (Per 1,000 SF In Structure)	Industrial (Per 1,000 SF In Structure)	Institutional (Per 1,000 SF In Structure)
Parks	\$1,222	\$1,167	NA	NA	NA	NA
Police	\$108	\$194	NA	\$148	\$52	\$100
Fire	\$87	\$242	NA	\$278	\$0.31	\$152
Transportation	\$586	\$410	NA	\$2,345	\$293	\$879
Storm Drainage	\$819	\$488	\$509	\$177	\$155	\$180

Culinary and Wastewater Fees for All Development Types						
	1-Inch Meter	1.5-Inch Meter	2-Inch Meter	3-Inch Meter	4-Inch Meter	6-Inch Meter
Culinary Water	\$3,522	\$8,804	\$14,987	\$20,543	\$30,522	\$51,052
Wastewater	\$1,751	\$4,378	\$7,005	\$10,215	\$15,177	\$26,883

Notes:

1. Government buildings should be charged impact fees for the development type listed above that most closely matches the function of the structure. For example: a government-owned office building, classroom, or other similar structure would be treated as a commercial office building; a government-owned warehouse or physical plant would be treated as industrial.
2. Water and wastewater fees were evaluated based on the State of Utah's administrative rules regulating the amount of water required for various uses. Cedar City has an established practice of charging these fees based on meter size. Wfkstrom has evaluated the amount that would be charged if the meter-based approach is used and compared the fee to that established as the maximum fee in Chapter 5. The meter-based fee does not exceed the maximum fee.

5.1 Temporary Impact Fee Reduction and Sunset Provision. The Impact Fees Imposed are the maximum fees justified by the impact fee analysis. The City Council finds that it is in the best interests of Cedar City to temporarily reduce all charged impact fees by 15%. This temporary reduction in impact fees shall expire one (1) year after the effective date of this ordinance. Once the temporary reduction has expired, all impact fees charged by the City shall revert to the amounts justified by the impact fee analysis.

Section 6. Fee Exceptions and Adjustments.

6.1 Waiver for "Public Purpose". The City Council may, on a project by project basis, authorize exceptions or adjustments to the then impact fee rate structure for those projects the City Council determines to be of such benefit to the community as a whole to

Exhibit “B”

CEDAR CITY ORDINANCE NO. 0813-14-2

AN ORDINANCE AMENDING THE SUNSET PROVISIONS OF THE TEMPORARY FIFTEEN PERCENT (15%)
IMPACT FEE REDUCTION ADOPTED WITH THE CITY'S 2011 IMPACT FEE ORDINANCE.

WHEREAS, in August, 2011, the Cedar City Council approved an ordinance adopting an impact fee plan, adopting an impact fee analysis, adopting a proportionate share analysis, and imposing impact fees; and

WHEREAS, the City Council imposed the maximum fee justified by the impact fee analysis and then found that it was in the best interests of Cedar City to temporarily reduce all charged impact fees by fifteen percent (15%). The City Council also adopted a provision so the temporary reduction would sunset one (1) year after the ordinance became effective; and

WHEREAS, the effective date of the impact fee ordinance was November 4, 2011, adding a year to the effective date set the sunset of the temporary fifteen percent (15%) reduction as November 5, 2012; and

WHEREAS, prior to the sunset of the temporary reduction Cedar City reviewed the economic conditions and after due consideration of the benefits and burdens of the temporary reduction the City Council voted to extend the temporary reduction until November 5, 2014; and

WHEREAS, as November 5, 2014, approaches the City Council has reviewed the relevant local economic conditions and after due consideration finds that it is in the best interests of the health, safety, welfare, and economy of Cedar City to extend the temporary fee reduction sunset date.

NOW THEREFORE be it ordained by the City Council of Cedar City, State of Utah, that the sunset date for the temporary fifteen percent (15%) fee reduction passed with Cedar City Ordinance No. 0803-11-1, is hereby extended until the 5th day of November, 2016.

This ordinance shall be effective immediately upon publication as required by State Law.

Dated this 14th day of August, 2014.

[SEAL]
ATTEST:



Maile L. Wilson
MAILE L. WILSON, MAYOR

Renee Savage
RENEE SAVAGE, RECORDER